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VOL. VIII

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CONTENTS OF VOL. VIII

NUMBER 1. OCTOBER, 1902.

ARTICLES

ELEANOR FERRIS	The Financial Relations of the Knights Templars to the English Crown	1
A. H. CARPENTER	Habeas Corpus in the Colonies.	18
WORTHINGTON C. FORD	John Quincy Adams and the Monroe Doctrine, II.	28
CARL R. FISH	Lincoln and the Patronage	53
FRED M. FLING	The Authorship of the Journal d'Adrien Duquesnoy	70
DOCUMENTS—English Policy toward America in 1790-1791, II.; Two Letters of Richard Cromwell, 1659; A Letter of Marquis de La Fayette, 1781; A Letter of Alexander H. Stephens, 1854		78
REVIEWS OF BOOKS		98
NOTES AND NEWS		186

NUMBER 2. JANUARY, 1903.

ARTICLES

JAMES H. ROBINSON	The Study of the Lutheran Revolt	205
HERBERT D. FOSTER	Geneva before Calvin (1387-1536). The Antecedents of a Puritan State	217
W. R. SCOTT	The Constitution and Finance of the Royal African Company of England from its Foundation till 1720	241
L. D. SCISCO	The Plantation Type of Colony.	260
GEORGE H. ALDEN	The State of Franklin	271
DANIEL C. KNOWLTON	An Unpublished Manuscript on the Rising of 1647-1648 in Naples.	290
DOCUMENTS—A Letter of William Bradford and Isaac Allerton, 1623; Letters of Samuel Cooper to Thomas Pownall, 1769-1777		294
REVIEWS OF BOOKS		331
NOTES AND NEWS		392

NUMBER 3. APRIL, 1903.

ARTICLES

	The Meeting of the American Historical Association at Philadelphia	409
GAILLARD T. LAPSLEY	The Origin of Property in Land	426
SIMEON E. BALDWIN	American Business Corporations before 1789	449
HENRY E. BOURNE	American Constitutional Precedents in the French National Assembly	466
GEORGE B. ADAMS	Henry I.'s Writ regarding the Local Courts	487
DOCUMENTS—George Rogers Clark and the Kaskaskia Campaign, 1777-1778 ; A Letter from De Vergennes to La Fayette, 1780 ; Portions of Charles Pinckney's Plan for a Constitution, 1787 ; A Letter of James Nicholson, 1803		
REVIEWS OF BOOKS		514
NOTES AND NEWS		594

NUMBER 4. JULY, 1903.

ARTICLES

CHARLES H. HASKINS	The Early Norman Jury	613
EARLE W. DOW	Some French Communes, in the Light of their Charters	641
FRED M. FLING	The Youth of Mirabeau	657
J. FRANKLIN JAMESON	St. Eustatius in the American Revolution	683
DOCUMENTS—Correspondence of the Comte de Moustier with the Comte de Montmorin, 1787-1789		
REVIEWS OF BOOKS		734
COMMUNICATION—The International Congress of Historical Sciences		809
NOTES AND NEWS		813
INDEX		829

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The American Historical Review

THE FINANCIAL RELATIONS OF THE KNIGHTS TEMPLARS TO THE ENGLISH CROWN¹

THE order of the Knights Templars is familiar to all readers of the history or romance of the twelfth and thirteenth centuries for its courage, military prowess, wealth, and somewhat arrogant pride. The Templars together with the Knights of the Hospital of St. John long formed the most stable element in the Holy Land and their military services there have received full recognition. But the order also rendered important services to Christendom in a very different field of action. In the unwarlike atmosphere of the counting-room, the soldiers of the Temple, for over a century, handled much of the capital of western Europe, becoming expert accountants, judicious administrators, and pioneers in that development of credit and its instruments, which was destined to revolutionize the methods of commerce and finance. This civil aspect of the Knights Templars is comparatively little known. The custom of storing treasure at the New Temple in London is described and illustrated by Mr. Addison whose history of the order appeared in 1842.² Professor Cunningham, in the third edition of his *Growth*

¹ The following contractions are used in the foot-notes that follow :

Bond is the abbreviated reference to *Extracts from the Liberate Rolls*, by E. A. Bond *Archæologia*, XXVIII. London, 1840.

Delisle is for "Mémoire sur les Opérations Financières des Templiers. Mémoires de l'Institut National de France." *Académie des Inscriptions et Belles-Lettres*, XXXIII. Paris, 1888.

R. C. is for Record Commission.

Rot. Claus. is for *Rotuli Litterarum Clausarum*, 1204-1227. Ed. T. D. Hardy. Record Commission. 2 vols. London, 1833-1844.

Rot. Pat. is for *Rotuli Litterarum Patentium*, 1201-1216. Ed. T. D. Hardy. Record Commission. London, 1835.

R. S. is for "Rolls Series."

Rymer is for *Fœdera*, ed. Thomas Rymer. Record Commission, 4 vols. London, 1816-1869.

² *History of the Knights Templars*, pp. 122-125.

of *English Industry and Commerce*, has credited the Templars with a share in the financial operations of the thirteenth century.¹ In 1889, M. Léopold Delisle made "Les Opérations Financières des Templiers" the subject of a *mémoire* before the Académie des Inscriptions et Belles-Lettres,² in which, after illustrating the employment of the order in financial affairs by the popes and by many of the princes, prelates, and magnates of western Europe, he has dealt exhaustively with the financial relations between the French kings and the Templars. It is the object of the present study to set forth, as precisely as may be, the exact nature and extent of the financial relations between the Templars and the English Crown. The subject is deserving of investigation both because of the slight contribution it may yield to the fiscal history of England in the thirteenth century, and because the civil services which the order had long been rendering at the time of its dissolution ought to be taken into account in a final estimate of its place in history.

Every financial transaction is a matter of receipt or disbursement according to the point of view. If one take one's stand in the Temple treasury in London, the relations of the order with the outside world resolve themselves, so far as money is concerned, into these two general classes. Under receipt the Temple is to be considered as a place of safe-deposit for those who had valuable possessions and as a royal treasury where funds were stored and taxes paid in. The outlook is towards the exchequer at Westminster where the fiscal system of the realm centered, and beyond to the various sources from which the king's revenue was derived. Under the second head of disbursements the relations to be examined are more directly with the king. In addition to loans and payments made at the king's order, are to be considered some more complex banking operations, in the development of which the Templars were, in M. Delisle's opinion, the rivals, if not the precursors, of the Italian societies of merchants.

The fact of any connection between the order of soldier monks, devoted to the rescue and defense of the holy sepulchre, and the financial affairs of Christendom is to be accounted for, possibly, by the common medieval practice of depositing objects of value in consecrated places for security during times of trouble and tumult. In addition to the spiritual protection of a hallowed spot, the houses of the Templars possessed the great practical advantages of having been built by men who were excellent engineers and of being defended by the bravest soldiers of the age.³

¹ P. 274.

² *Mémoires de l'Institut National de France*, XXXIII.

³ Delisle, p. 2.

To speak only of England, all classes of persons who possessed treasure seem, during the thirteenth century, to have availed themselves of the New Temple¹ for purposes of what would to-day be called safe-deposit. In the absence of any records kept by the Templars, there is evidence of this custom of storing gold, silver, jewels, and the like at the Temple on the part of individuals only when circumstances happened to give publicity to the fact. Many thirteenth century chroniclers record such deposits incidentally in narrating the story of their sequestration or confiscation. This was the case with the 40,000 marks entrusted to the Templars by Falkes de Breauté, the Norman adventurer who had served John but fell into conspiracy and rebellion against the government of Henry III. In 1226, the masters of the order in both France and England were directed to sequester this sum as an indemnity for his depredations.² So also it appears that Hubert de Burgh had deposited his treasure at the New Temple, since Henry III. confiscated it there in 1232.³ The departing Poitevins left a large sum at the Temple when they were forced to leave England in 1258.⁴ Five years later, Edward, the heir to the throne, seized £10,000 which had been deposited at the Temple by the merchants and magnates of the land.⁵ In 1278, the bishop of Rochester's chest was sequestered at the Temple on the ground of debt.⁶ Just before the downfall of the order, Edward II. seized and gave to Piers Gaveston £50,000 which had been placed in the custody of the Templars by Bishop Langton, his father's treasurer.⁷ Thus, justly or unjustly, the thirteenth century kings of England, from time to time, replenished their funds by confiscating the treasure entrusted to the Templars. These unfortunate depositors are doubtless but a small proportion of the many, whose treasures, safely guarded and restored intact, were unrecorded in the annals of the time.

"About the beginning of Henry the Second's reign, the Knights Templars, leaving their home in Holburne, situate on the south part of that street where Southampton House lately stood, . . . did, for their more conveniency, set up another habitation for themselves over against the end of a street heretofore called New Street but now Chancery Lane; which had thereupon the name of the New Temple and contained all that space of ground from the White Fryers westwards unto Essex House, without Temple Barr."—Dugdale, *Originales Juridicales*, 144.

² *Rot. Claus.*, II. 214.

³ Matthew Paris (R. S.), III. 232; Roger of Wendover (R. S.), III. 41; *Calendar of Documents rel. to Scotland* (ed. J. Bain), I. No. 1163.

⁴ Matthew Paris (R. S.), V. 704; Stubbs, *Const. Hist.* (fourth edition), II. 81.

⁵ *Annales Monastici* (R. S.), III. 222; Gervase of Canterbury (R. S.), II. 222; Sharpe, *London and the Kingdom*, I. 94.

⁶ *Calendar of Close Rolls*, 1272-1279, pp. 446-447.

⁷ Walter of Hemingburgh (Eng. Hist. Soc.), II. 273; Stubbs, *Const. Hist.*, II. 335.

ward I. had a deposit at the Temple from which he withdrew 1,000 marks.¹ Many texts of the thirteenth century record the paying in or actual receipt at the Temple of various specific kinds of taxes, such as aids,² carucage,³ fractional grants of movables,⁴ tallage of London⁵ and of the Jews,⁶ the Irish treasure,⁷ queen's gold,⁸ and feudal dues.⁹

A survey of the available evidence concerning the Temple as a royal treasury leaves the impression that it was constantly employed for this purpose for about a century. The relations between it and the exchequer tended to become closer as time went on. In the first twelve or fifteen years of Edward I.'s reign, the Temple treasurer must constantly have been carrying on his books a large volume of accounts relative to the receipt of the royal revenue. Yet, important as these services must have been, it is at this point that the chief difference appears between the relation of the order to the fiscal system in England and in France. Unfortunately, in the matter of records, there is nothing for England comparable to a document printed by M. Delisle, which, he is convinced, is a part of a day-book kept by the Templars at the Temple in Paris during 1295-1296.¹⁰ From this and from other evidence produced by M. Delisle, it is clear that, from the time of Louis IX. well into the reign of Philip the Fair, the chief royal treasury was at the Temple. The treasurer of the Temple was the king's treasurer. France, less fortunate than England in her administrative development, owed what order and system there were in the management of the fisc to the Templars. Yet, if in England the Temple played a comparatively subordinate rôle, it still seems to have been an integral part of the financial system of the government.

¹ *Calendar of Close Rolls, 1272-1279*, p. 264. For further illustration of this practice, see *Calendarium Rotulorum Patentium* (R. C.), p. 21; Madox, *Exchequer*, I. 270, note F.

² Rymer, I. 87; *Rot. Claus.*, I. 516.

³ *Ibid.*, I. 437, cf. Dowell, *Taxation*, I. 37.

⁴ Matthew Paris (R. S.), III. 230-232; Rymer, I. 207; cf. Dowell, *Taxation*, I. 62, 66; Matthew Paris (R. S.), III. 221; cf. Dowell, *Taxation*, I. 65, 66; Madox, *Exchequer*, I. 270, note D; cf. Dowell, *Taxation*, I. 68; *Deputy Keeper's Report*, V. 64, No. 445; *Calendar of Close Rolls, 1272-1279*, pp. 21, 25, 79; *Calendar of Patent Rolls, 1272-1281*, pp. 140-141; *Ibid.*, 1281-1292, pp. 70, 184; *Hist. MSS. Com.*, IV. 395.

⁵ *Calendar of Close Rolls, 1272-1279*, p. 63.

⁶ *Calendar of Patent Rolls, 1272-1281*, pp. 52, 99, 100.

⁷ *Calendar of Documents rel. to Ireland* (R. S.), I. No. 2871; No. 3013; No. 3189.

⁸ *Calendarium Rotulorum Patentium* (R. C.), 21; Madox, *Exchequer*, I. 270, note E.

⁹ *Rot. Pat.*, 189; *Rotuli Selecti*, ed. J. Hunter (R. C.), 117; *Calendar of Close Rolls, 1272-1172*, p. 943; *Calendar of Patent Rolls, 1272-1281*, pp. 166-167, 170-171, 208.

¹⁰ Delisle, 73-86, app. xxix; also pp. 40-73 and app. xxii-xxviii.

Individual knights and the order as a whole were commonly employed by the English kings in the collection and transportation of revenue, missions for which they possessed obvious qualifications. Movable property was first taxed in order to provide money for the Crusades. In the ordinances of 1184 and 1188,¹ it is provided that a Templar and a Hospitaller should assist in the collection of the money in each district. It would seem from the story of Gilbert Hoxton that the Templars were sometimes unworthy of the trust imposed. Gilbert Hoxton was a brother of the Temple of Jerusalem whom the Lord King had appointed to collect tithes together with his clerks. Money was constantly being added to the chest, yet the sum total steadily diminished. It was presently found that Brother Gilbert was responsible for this phenomenon and we read that, although spared by the King, he was properly punished by the master of the Temple.²

Both John and Henry III. frequently sent Templars on financial errands.³ In Henry III.'s time, the order of the Templars and that of the Hospitallers were employed for the transportation of money between England and Ireland, and between England and France. In 1228, for example, the indemnity which Henry III. had agreed to pay for injuries to the men of St. Émilion was entrusted, on account of the dangerous conditions of the roads, to the Templars in England, who undertook to see that it was safely brought to Paris.⁴

A Templar was sometimes employed as one of a board for auditing accounts.⁵ In one case, in 1294, a committee of three to adjust the conversion from old to new money included both the preceptor and treasurer of the Temple in London.⁶ Thus it seems to have been customary to employ Templars in matters of financial administration which involved skill, accuracy, and honesty throughout the thirteenth century. They must, therefore, have possessed these qualities in the opinion of the government. The order as a whole, and individual members, like Aimeric de St. Maur in the first quarter of the century or Brother Warin in the last, were honest and efficient agents in matters pertaining to finance.

The first of the functions to be examined under the general head of disbursements is in the nature of what would to-day be called

¹ Stubbs, *Select Charters*, 159; *Liber Custumarum* (R. S.), 654; *Benedict of Peterborough* (R. S.), II. 31.

² *Benedict of Peterborough* (R. S.), II. 47-48.

³ *Rot. Pat.*, 122, 123, 142, 159; *Rot. Claus.*, I. 381, 514, 558.

⁴ *Letters, Henry III.* (R. S.), I. 336-337. See also *Rot. Claus.*, I. 431; *Rôles Gascons* (Ed. Michel), I. No. 3999; *Deputy Keeper's Report*, V. p. 62, No. 409.

⁵ *Calendar of Documents relating to Ireland* (R. S.), I. No. 2157; II. No. 238; *Calendar of Patent Rolls*, 1272-1281, pp. 379, 451.

⁶ *Calendar of Patent Rolls*, 1292-1301, p. 88.

"trusteeship." From the middle of the twelfth to late in the thirteenth century, the Templars occasionally acted as trustees of funds placed in their custody for the execution of some specified project, which they held for a longer or shorter time and then paid out according to the terms of the trust. Bishop Stubbs has pointed out the special qualifications of the military orders for services of this sort:¹—"Their character as corporations, undying and free from the evils of old age and infancy, and, perhaps, a trust not misplaced in the virtue and honor of the knights."

The earliest notice of the employment of the Templars as trustees comes from the first part of Henry II.'s reign.² Louis VII. had taken from Stephen certain castles in Normandy which Henry II. was anxious to recover. He accordingly arranged a marriage between his infant son and Louis VII.'s daughter, who was to receive the castles as her dower. Until the children should be old enough to marry, it was agreed that the castles should be held in trust by the Templars. In Henry II.'s will there is an allusion to money entrusted to the Templars before 1182.³ John, in 1214, made them trustees of certain sums to be paid to two of his French vassals.⁴ To mention one of several instances in the reign of Henry III., the Countess of Leicester was induced to sign the renunciation clause in the treaty between Henry III. and Louis IX. only by the deposit of 15,000 marks with the Templars in Paris as a guaranty fund, securing her dower rights from the Marshall estate.⁵ These examples sufficiently illustrate the confidence reposed in the order's integrity and stability by English kings for over a century.⁶

The thirteenth century kings of England were in an unfortunate position financially. Their needs had increased out of all proportion to their revenues, yet the king was still expected "to live of his own." Grants of supplies made from time to time by the Great Council were for emergencies of one sort and another, chiefly, of course, for war expenses. The collection of these grants took time; meanwhile expenses must be met. The earlier Norman kings pro-

¹ *Itinerarium . . . Ricardi* (R. S.), pp. cvi, cvii.

² William of Newburgh (R. S.), I. 158-159.

³ Rymer, I. 47.

⁴ M. Delisle (pp. 11-12) has explained that these pensions were awarded by John as a stroke of diplomacy to keep to their allegiance some of his vassals whose lands had been seized by Philip Augustus. See *Rol. Pat.*, 116, 119, 121.

⁵ In 1273, Eleanor entered a claim for the 15,000 marks from Louis IX.'s executors. Philip III. wrote that Henry III. had received the money eight years before. See M. A. E. Green, *Lives of the Princesses of England*, II. 58-59; 114-115; Bémont, *Simon de Montfort*, 330-331, 182, 185, 250-251; *Deputy Keeper's Report*, VI. 90, Nos. 1124, 1130.

⁶ See also *Calendar of Documents rel. to Scotland* (ed. J. Bain), I. Nos. 1003-1005; Rymer, I. 616; *Calendar of Patent Rolls*, 1281-1292, p. 247.

vided against difficult situations of this sort by the practice of hoarding ; but the loss of the continental possessions made this solution more difficult for John and his successors. In the backward economic condition of England, there was no class of subjects upon which the king could rely for loans. Thus the question of financing their projects was for the English kings of this period an extremely serious one. The Jews were systematically drained dry of all the gold which the royal license enabled them to absorb. Extortion was practised upon the religious corporations. After the middle of the century, loans from the Italian merchants become prominent in the records.¹

On the other hand, the Templars were very wealthy. From the early days of its foundation, gifts to the order had been considered acts of piety calculated to promote the eternal welfare of the giver's soul, a subject in which the average man of the Middle Ages was most deeply interested. The order, therefore, acquired great estates from which large revenues poured into its treasury. That much capital was placed in its charge by individuals has already been shown. Thus the Templars were in a position to become the bankers of the English kings, since they had ready money and were in close financial relations with the government. The surprising thing is not that the kings borrowed of them, but that they did not borrow much oftener and in larger amounts than the evidence indicates.

Throughout his reign John frequently applied to the Templars for money, which they lent him sometimes on security, sometimes, apparently, on the royal promise to pay. In the last four years of his reign John often stayed at the Temple.² The master of the order in England, Aimeric de St. Maur, was one of those who steadily supported the King to the end. He advised John to sign Magna Charta, in which instrument his name appears ;³ and he was named in John's will as an executor with Pandulf, William Briwere, Walter de Lacy, Falkes de Breauté, and others.⁴ John evidently depended much on his aid and counsel.⁵ Aimeric de St. Maur lived until about 1219 when he was succeeded by Alan Marcel.⁶ The sums which the Templars lent to King John range from the comparatively trifling amount of one gold mark, which he borrowed in 1213 for an offering on the day of his absolution,⁷ to loans of

¹ Bond, pp. 212-225.

² Itinerary of John, in *Rot. Pat.*, Introduction.

³ Stubbs, *Select Charters*, 296 ; Matthew Paris (R. S.), II. 584, 589-590.

⁴ Stubbs, *Const. Hist.*, II. 17 ; Rymer, I. 144.

⁵ *Rot. Pat.*, 38, 156, 157.

⁶ *Deputy Keeper's Report*, IV. 156.

⁷ *Rot. Claus.*, I. 148.

one thousand marks at a time which enabled him to bring Poitevin troops to his aid in England in 1215.¹ In the years from 1203 to 1206, the Templars frequently lent John the money necessary for the ransom of his soldiers or agents who had been captured in France. The accommodation seems often to have consisted both in supplying the money and in effecting the payment of the ransom between, for example, London and Paris, or London and Gascony.² In the summer of 1216, John twice applied to the Templars for money. Brother Aimeric lent 200 marks to Engelard de Cygony in July and received a receipt from John in August.³ In September, about six weeks before his death, John wrote from Oxford to the bailiffs of Bristol that he was trying to borrow 200 marks from the Templars with which to reward the town for its aid.⁴ The Templars, in common with all the other religious corporations, had to submit to extortion on John's part; as in 1210 when he raised £100,000 from church property by "inestimable and incomparable exactions," and the Black Friars, Hospitallers, and Templars were heavily taxed.⁵

Henry III.'s borrowings of the Templars were chiefly to meet expenses arising from his relations with France. The peace of Lambeth which secured the withdrawal of Prince Louis from England involved the payment of 10,000 marks. For this purpose 500 marks were borrowed from the Templars in 1221, and the issues of the manor of Godmanchester were turned over to them until the debt should have been discharged.⁶ The order furnished money for the expenses of an embassy to France in 1225⁷; and, in 1242, when Henry III. had been reduced to financial straits by the ignominious Gascon expedition, a loan of 500 marks was made to him by the Templars in Paris.⁸ In the next period of Henry's reign the pressure for money was very great. Heavy loans were made by the merchants of Florence and Sienna to meet the expenses of the Pope's Sicilian projects which the King had undertaken to finance.⁹ In the troubled years from 1260 to 1266, money was raised on the crown jewels which had been sent to France.

¹ *Rot. Claus.*, I. 194, 198, 221; *Rot. Pat.*, 135, 141, 152, 153; see also pp. 11 and 49.

² *Rot. de Liberate*, ed. Hardy (R. C.), 54; *Rot. Pat.*, 33, 41, 42, 51, 65, 116.

³ *Rot. Pat.*, 190, 192.

⁴ *Rot. Pat.*, 196.

⁵ Matthew Paris (R. S.), II. 530; *Annales Monastici* (R. S.), II. 264.

⁶ Stubbs, *Const. Hist.*, II. 25; *Rot. Claus.*, I. 376, 465, 479. A loan of £250 was also made in this year. *Ibid.*, I. 514.

⁷ *Rot. Claus.*, II. 55.

⁸ *Rôles Gascons* (ed. Michel), I. 132.

⁹ Stubbs, *Const. Hist.*, II. 68-73.

where the Queen placed them in the Temple at Paris.¹ The Templars were connected with these operations, but as intermediaries not as principals.

The expenses of Edward's expedition to the Holy Land were not covered by the twentieth granted in 1269 and devoted to that purpose.² Large advances were made by the Templars in Paris and in the Holy Land. In the first year of his reign, Edward made a payment of 2,000 marks on a debt of £28,189 8s. 4d., for which he was bound to the treasurer of the Temple at Paris.³ In 1274, William of Beaulieu, master of the order, acknowledged the repayment by Edward of money which he had borrowed of the Templars in the Holy Land to the amount of £24,974 and £5,333 6s. 8d.⁴ It does not appear that Edward I. borrowed of the Templars so frequently as his father had done.⁵ The Italian societies of merchants supplied him with large sums. For example, in 1299, Edward guaranteed the agents of the Friscobaldi in London against any loss they might incur in connection with a loan of "2,000 pollard marks and other money now current in England," which the King had appointed them to receive of Brother Hugh, a Templar. The King agreed to pay back the loan to the Templars at a specified rate and time.⁶ Edward also borrowed of the Hospitallers, as in 1276, when they lent him 2,000 marks.⁷

Throughout the thirteenth century, it appears that the Templars frequently acted as the bankers of the English kings in the matter of loans, though the sums advanced, if Edward I.'s borrowings in the Holy Land be excluded, do not make an impressive total as compared with money derived from other sources. The order showed its practical business methods by exacting security and by the definite arrangements for repayment which were usually specified in the documents. The question as to how the Templars indemnified themselves for their services in these and other financial operations

¹Rymer, I. 410, 435, 492, 505.

²*Deputy Keeper's Report*, V. 64, No. 445.

³*Issues of the Exchequer*, translated by F. Devon, pp. xvii, 86; Rymer, I. 708.

⁴Delisle, p. 245; Rymer, I. 514. Edward's notes, the letter adds, had been deposited at the Temple in Paris and could not be returned because the roads were insecure. See also Rymer, I. 516.

⁵For further examples of loans made to Henry III. by the Templars, see *Rot. Claus.*, I. 612; II. 4; *Calendarium Rotulorum Patentium* (R. C.), 21; *Deputy Keeper's Report*, V. 85, No. 879. Sometimes the Templars refused to comply with Henry's demands. Matthew Paris (R. S.), V. 364.

⁶*Calendar of Patent Rolls, 1292-1301*, p. 419. For other loans made by the Templars to Edward I., see *Calendar of Patent Rolls, 1272-1281*, p. 375; Madox, *Exchequer*, I. 612-613; *Calendarium Rotulorum Originalium* (R. C.), I. 114.

⁷*Calendar of Patent Rolls, 1272-1281*, p. 147. See also *Calendarium Rotulorum Originalium* (R. C.), I. 114; *Calendar of Patent Rolls, 1301-1307*, p. 443.

can more conveniently be examined after the other matters have been considered.

Frequent notices occur in the records of the thirteenth century of payments made through the agency of the Templars. Some of these are in the nature of drafts upon a standing account. The king would address a letter to the master or to the master and brothers of the Temple, authorizing the payment, "from our treasure entrusted to you to guard," of definite sums to specified persons or their accredited agents. A few examples from each reign will sufficiently illustrate this practice.

John drew heavily upon his reserves at the New Temple for the operations in which he was engaged during the last four years of his reign. In the critical period from 1212 to 1214, large sums were sent to the continent to the Emperor Otto who was John's chief ally against Philip Augustus,¹ and to the King's half-brother, William Longsword, Earl of Salisbury, who was in command of the English forces in Flanders and was captured at Bouvines together with Ferrand, Count of Flanders.²

In 1235, Henry III. gave his sister Isabella in marriage to the Emperor Frederick with the large sum of 30,000 marks as a marriage portion. The prompt payment of the money indicates the cordial relations between King and Emperor at this time. The last installment of 10,000 marks was paid to the Emperor's messengers by Brother Hugh de Stocton, treasurer of the Temple, from the King's deposits there, in June, 1237.³ Arrangements were made, in June, 1274, for providing Edward I. with funds when he should arrive in Paris on his way home from the Holy Land. Warin, treasurer of the New Temple, was directed to pay, for this purpose, 2,000 marks to an Italian merchant, Luke de Lucca.⁴ These transactions which the Templars performed for John, Henry III. and Edward I. apparently did not, in any case, involve a more complicated operation than that of cashing an order, on its presentation by the proper person at the Temple.

¹ *Rot. Claus.*, I., 124, 179; *Rymer*, I., 108.

² *Rot. Claus.*, I., 136; *Rot. Pat.*, XX. 100, 103, 104. In May, 1213, 10,000 marks were withdrawn from the King's deposits at the Temple. *Rot. Claus.*, I. 134. In 1214, Pandulf received orders for large sums to be paid from the King's deposits at the Temple. *Stubbs, Const. Hist.*, I. 561; *Rot. Pat.*, 107. See also *Rot. Pat.*, 104, 173.

³ *Stubbs, Const. Hist.*, II. 52; Bond, 236; M. A. E. Green, *Lives of the Princesses of England* II. 11; *Rymer*, I. 232. See also *Cal. of Doc. rel. to Ireland* (R. S.), 1171-1251, No. 2871.

⁴ *Calendar of Patent Rolls*, 1272-1281, p. 52. Edward I. frequently drew upon his deposits at the New Temple through orders to Brother Warin. See *Calendar of Patent Rolls*, 1272-1281, pp. 83, 84, 100, 140, 141.

instrument quoted in Rymer is a bond given by the King's procureurs at Viterbo to certain merchants of Sienna and Florence. Payment was to be made next Pentecost at the New Temple in London.¹

The Templars often executed the financial clauses of treaties, as in the case of the annual payment to the pope² and the indemnity to Louis of France,³ burdens resulting from John's folly and misrule with which the government of Henry III. found itself charged. An excellent illustration of the way in which payments on the continent were accomplished through the New Temple in London appears in an agreement between Henry III. and the Count of March for the transfer of the island of Oleron. Henry was to pay £200 to the master of the Temple in England annually for five years; the Templars were to pay the Count of March.⁴

The Templars were often employed for accomplishing the payment of gifts, marriage portions, pensions, and matters of that sort. The earliest notice occurs towards the close of Henry II.'s reign. The King agreed to give the widow of his son Henry £2,750 a year. One payment was to be made at the Temple at Sainte Vaubourg near Rouen in the spring, the other in the winter at Paris.⁵ In 1215, John wrote to the Pope concerning the dower of his sister-in-law, Berengaria. He had agreed to give her 2,000 marks for arrears and 1,000 marks annually in the future; the money was to be paid through the house of the New Temple in London.⁶ Arrangements were made in 1248 for yearly pensions to the King's uncles, Thomas and Amadeus of Savoy. Of the 700 marks paid into the exchequer annually by Hugh le Bigod, 500 were to be placed in the New Temple for Thomas, 200 for Amadeus.⁷

¹ Rymer, I. 365. This use of the Temple by the Italian merchants was not uncommon. In 1258, Henry III., his wife, and his son Edward borrowed 10,000 marks of the Florentine merchants pledging themselves to repay at the New Temple before June 24. See Pat. 42, Henry III., m. 6, cited by Bémont, *Rôles Gascons*, II. p. cxxv. For other examples of the custom of paying debts through the Temple, see *Rotuli de Liberate*, ed. Hardy (R. C.), p. 8; *Rot. Claus.*, I. 159, 471.

² *Rot. Claus.*, I. 396. See also *Rôles Gascons* (ed. Michel), I. p. 259, No. 2035.

³ *Rot. Claus.*, I. 415, 465.

⁴ Rymer, I. 218. In 1253, it was arranged that the bill of damages, which Henry III. had agreed to pay to his kinsman, the Count of Toulouse, for the depredations of his Gascon subjects, should be discharged at the Temple in Paris. *Rôles Gascons* (ed. Michel), I. No. 2175. For examples in 1259 and in 1279, see Rymer, I. 383, 409, 572.

⁵ *Calendar of Documents preserved in France* (R. S.), 918-1206, pp. 382-383.

⁶ *Rot. Pat.*, 181. Berengaria still had trouble in getting her money. The next year, John wrote to beg her to wait for payment until "the dark cloud which threatens us shall have been dissipated." *Rot. Pat.*, pp. xx, 200; *Letters of Royal and Illustrious Ladies*, ed. M. A. E. Wood, I. 31; *Rot. Claus.*, I. 480.

⁷ Rymer, I. 269. Other pensions paid for the King by the Templars are as follows: Peter Sarracen, *Rot. Claus.*, I. 544; see also pp. 363, 381, and Delisle, p. 39; Vicomte de Thouars, *Rot. Claus.*, I. 581, 594; Hugh of Ostia, bishop and cardinal, *Rot. Claus.*, II. 118; Hubert Huese, *Rot. Claus.*, II. 126; Ferrand, Count of Flanders, Rymer, I. 196.

Services of this kind, often involving payments at a distance without the actual transfer of funds, were performed for the English kings by the Templars, especially in the first half of the thirteenth century; that is, before the societies of foreign merchants had become fully established in England. The Hospitallers may occasionally have rendered similar services,¹ but it seems that, on the whole, the Templars had the field almost to themselves until the middle of the century. These payments were, therefore, perhaps the most important of the financial operations conducted by the order for the English Crown.

Financial operations of the kind which have been described were performed by the Templars for nobles, merchants, and in general for such individuals or corporations as had need of them. A charter of the period between 1202 and 1206 sets forth the adjustment of a dispute by which Hugh of Gloucester agreed to pay the abbot and monks of La Couture yearly, at Mid-Lent, ten marks of silver at the New Temple, London, in return for the possession of a manor and church which had been in dispute.² In 1205, four merchants of Cahors borrowed at the Temple the twenty marks which they were obliged to pay the King for his license to trade.³ The Templars had lent money to Hubert de Burgh, as it appears from an order in the close rolls of 1233. Henry III. had imprisoned Hubert but permitted the master of the Templars and Philip de Heye to have an interview with him in the presence of his guards. Nothing was to be spoken of but the money which Hubert owed to the brothers of the Temple.⁴

The Caursine usurers bound their debtors to payment at the New Temple, London.⁵ In 1252, a charter of the abbot and convent of St. Albans attested that they had borrowed 115 marks from a certain foreign merchant which they agreed to repay at a fixed time at the New Temple.⁶ Fulk, Archbishop of Dublin, in 1066 repaid at the Temple in London a loan of £100 and 550 marks for which he was indebted to the merchants of Florence.⁷ In 1283, Godfrey le Herdler, Gilbert de Harwe, goldsmiths, and Bartholomew, the cook, acknowledged themselves bound to the prior of the

¹ *Documents Illustrative of English History*, ed. Henry Cole (R. C.), 245; *Lettres de Rois* (ed. Champollion-Figeac), I. 94-95.

² *Calendar of Documents preserved in France* (R. S.), 918-1206, No. 1041.

³ *Rot. Claus.*, I. 55.

⁴ *Letters, Henry III.* (R. S.), I. 525.

⁵ *Matthew Paris* (R. S.), III. 329.

⁶ *Ibid.*, VI. 221.

⁷ *Historical and Municipal Documents of Ireland* (R. S.), pp. 166-168; *Historica MSS. Commission*, X. 216.

knights of the Temple of London in the sum of twelve shillings.¹ A few years later, in 1290, Richard Peterel bound himself to pay a debt of £118 17s. 6d., which he owed William de Hamelton for corn, at the New Temple "in the quinzaine of St. Michael."² These examples illustrate the position of the Templars as agents in an annual payment between England and France, as money-lenders, and as intermediaries between foreign merchants and their debtors.

The Templars could not have engaged in financial operations so extensively as the evidence indicates without a somewhat elaborate and minute system of bookkeeping, and in many respects they must have incurred risks and expenses similar to those of the modern banker. On the interesting question as to how the Templars indemnified themselves for these expenses, the available records throw practically no light. There are notices, now and then, of royal gifts to the order,³ and, what is more significant, of grants of special privileges in trade, as for shipping wine⁴ and wool.⁵ M. Delisle believes that the Templars made loans on suitable security from the capital deposited with them.⁶ The question still remains as to how this profited them in an age which held the sentiments of the thirteenth century on the subject of taking interest. The⁷ most suggestive evidence is to be found in the clause of the bonds, exacted by the foreign merchants of their debtors, which obliged the borrower to make an additional payment, "pro recompensacione dampnorum, interesse, et expensis," in case the money was not repaid at a specified time. Several such bonds have been referred to in order to illustrate the employment of the Temple as an exchange through which payments were made. The earliest, that quoted by Matthew Paris in his narrative for the year 1235, is the bond of the Causine usurers, so-called, who were the "papal merchants" from Cahors and other cities of southern France and Italy, and who came to England in that year to engage in the collection of the papal revenues.⁸ The borrowers agreed that, if they were unable to repay the money at a specified time, they would pay one mark for ten, every two months, for losses incurred.⁹ This is a rate of sixty

¹ *Calendar of Letter-Books*, Letter-Book A (ed. R. R. Sharpe), p. 72.

² *Ibid.*, 129-130.

³ *Rot. Claus.*, I. 17, 149; *Calendar of Documents rel. to Ireland* (R. S.), I. No. 2915.

⁴ *Rot. Claus.*, I. 159; *Rot. Pat.*, III.

⁵ *Ibid.*, 104; *Rot. Claus.*, I. 609.

⁶ Pp. 15, 87.

⁷ For the doctrine of interest or usury, see Ashley, *Economic History*, I. §17; II. §65.

⁸ Ashley, *Economic History*, I. 198; Cunningham, *Growth of English Industry*, I. 208; Bond, 212-215.

⁹ Matthew Paris (R. S.), III. 329.

per cent. per annum, seventeen per cent. more than the Jews were permitted to bargain for.¹

The exacting of any payment for the use of money which had been loaned was, of course, forbidden by the canon law and was abhorrent to the moral and religious feeling of the time. While commerce remained undeveloped, this feeling may be justified, as Professor Ashley has shown.² But as trade revived, constant evasions necessitated constant efforts at repression by the courts Christian within whose jurisdiction the matter lay. The Jews practised usury, and could not be deterred by such penalties as excommunication or refusal of Christian burial, the only ones at the disposal of the Church tribunals. The clause in the bonds, quoted above, was a device worked out in the first half of the thirteenth century by which Christians might make a profit on loans and still save their consciences and keep the letter of the law. Here was an elastic method for extending the business and the gains of the money-lender. "Interesse" was used in its original sense, meaning "id quod interest," that is, the difference between the creditor's present position and what it would have been if the terms of the agreement had been fulfilled and the debt paid at the appointed time. Even in the feeling of the period, the lender might conceivably incur loss by the delay, and therefore be entitled to compensation.³ We know that the French and Italian merchants practised this device or evasion, and that it was employed on one occasion by the head of the order of the Knights Templars. The possibility existed for the Templars to make large profits through the capital in their hands. To what extent they availed themselves of their opportunities, we have no means of knowing.

Records extending over a period of more than a century prove conclusively the close relations which existed between the English government and the Knights Templars. The financial operations which they performed for the English kings consisted, briefly, in the custody of treasure and the receipt of royal revenue, on the one

¹ Ashley, *Economic History*, I. 200. A similar clause was inserted in the note given for 115 marks to Florentine merchants by the abbot and monks of St. Albans in 1252, Matthew Paris (R. S.), VI. 221; in the loan negotiated at Viterbo for Henry III. in 1257, Rymer, I. 365; in the note given by Henry III. to merchants of Florence for a loan of 10,000 marks, in 1258, *Rôles Gascons* (ed. Charles Bémont), II. cxxv.; and in that of Fulk, Archbishop of Dublin to Florentine merchants, in 1266; *Historical and Municipal Documents of Ireland* (R. S.), 166-168. Finally, in the acquittance sent to Edward I., in 1274, by the master of the Templars, William of Beaulieu, for the repayment of the loan made to him in Palestine, a sum paid "tam super principali quam super custibus, dampnis, et interesse," is expressly mentioned. Rymer, I. 514.

² Ashley, *Economic History*, I. 155; II. 394-395; Cunningham, *Growth of English Industry*, I. 258.

³ Ashley, *Economic History*, I. 196; II. 399.

hand, and, on the other, in the administration of trusts, the advancing of loans, cashing of orders on deposits, and in effecting payments between London and the continent. The evidence shows, not that the Templars at any time financed the projects of the kings—the loans amount to a comparatively insignificant sum—but that their most useful services consisted in the handling of money derived from other sources. The practice of employing the Templars in financial affairs appears fully developed at so early a period, that they must, almost from the beginning, have been characterized by the integrity and administrative capacity which led men to turn to them in matters of trust; and, as the custom persisted up to the hour of their destruction, they must have continued to inspire confidence. Yet the Templars were certainly very unpopular with their contemporaries. That they shared the popular disfavor with the foreign merchants and the Jews is perhaps a significant fact. It has been suggested that, in addition to all the familiar explanations of their unpopularity, the fact should be taken into consideration that their connection with a lucrative financial business involved them in the suspicion which attached to all who were engaged in monetary transactions.¹ The important civil services performed by the Templars have been eclipsed by the splendor and romance of their military exploits. It seems, however, that by their financial operations they contributed to the progress of civilization in their time, and that posterity should recognize the services which in contemporary opinion brought them only dislike and distrust.

The circumstances under which the Templars met their end are sufficiently tragic, whether Philip the Fair's accusations had any basis in fact or not. Students of the subject to-day are practically agreed that the charges brought against them were totally unfounded. The iniquity of Philip's attack, which has been called the greatest crime of the Middle Ages, becomes the deeper as the order's efficient performance of the peaceful as well as of the military functions entrusted to it is the more clearly revealed.

ELEANOR FERRIS.

¹ Cunningham, *Growth of English Industry*, I. 274.

HABEAS CORPUS IN THE COLONIES

THE writ of habeas corpus has been regarded as one of the important safeguards of personal liberty, and the struggle for its possession has marked the advance of constitutional government. Magna Charta, Darnel's Case, the Petition of Right, the Bill of Rights and the Habeas Corpus Act bear witness to the importance of the struggle. Our rights at the present day therefore depend upon those acquired by our English forefathers as transmitted to the colonies, which are the connecting link in the process. Hence it is essential that we should know what rights the colonists possessed.

The ordinary conception is that the colonies did not have habeas corpus until it was given to them by England itself, and Queen Anne generally receives the credit for thus graciously extending the privileges of the writ. This idea rests primarily upon the statement of Chalmers. In speaking of Virginia he says that Spotswood, the new Governor, "was received by the Virginians with acclamations, because he had brought them liberty. Influenced by her new advisers, who had been, however, honored with colonial hatred, the Queen gave unsolicited to the provincials the invaluable benefit of the habeas corpus act, which had been denied by the late ministers."¹ This statement applied only to Virginia, and yet the impression seems to be general that the benefit was conferred upon the other colonies as well. It is doubtful if this so-called extension of the writ of habeas corpus really gave the Virginians much more than they already possessed. Just what was granted depends upon Spotswood's proclamation, which up to the present has not been printed. It will appear below ; but before examining the document, it will be necessary to consider just what the writ of habeas corpus is, and what its status was in the other colonies.

The writ of habeas corpus is issued by a court of law or equity, and commands that the body of the prisoner be produced before the court, in order that it may inquire into the cause of imprisonment or detention. Consequently it is meant for the protection of personal liberty and is properly known as the writ of *habeas corpus ad subjiciendum*. Although there are other writs of habeas corpus, yet this is the one which holds the high place in history. The thought underlying the writ depends upon early Saxon conceptions

¹ George Chalmers, *Introduction to the Revolt*, I. 395.

of individual right, and is fully expressed in the Magna Charta, which says that no free man shall be "taken or imprisoned or dispossessed, or outlawed, or banished . . . except by the legal judgment of his peers or by the law of the land."¹ This clause against arbitrary imprisonment was a formal expression of what already existed in the common law. Just when writs of this sort began to issue at common law is uncertain, but by the fifteenth century they were fully recognized.² In the strife of the seventeenth century between the powers of the King and the rights of the people, habeas corpus is frequently appealed to. These demands finally culminated in the Habeas Corpus Act of 1679, which provided for the effective application of the writ. It should be noticed that the law did not grant anything new; that it did not make habeas corpus, but merely made efficient a writ, which was recognized as already existing. The common law nature of the writ has been recognized by English and American courts,³ and it is a fair question whether our rights depend upon the common law or upon the statute of Charles II. Certainly it is worth inquiring whether the writ of habeas corpus extended to the colonies by common law or by statute law.

This question is answered in the opinions of the law officers of the English Crown, and in the rulings of the court. In 1720 Mr. West gave an opinion on the extension of the common law to the colonies, in which he said :

"The Common Law of England is the Common Law of the Plantations, and all statutes in affirmance of the Common Law passed in England antecedent to the settlement of the colony, are in force in that colony, unless there is some private Act to the contrary ; though no statutes made since those settlements are there in force unless the colonists are particularly mentioned. Let an Englishman go where he will, he carries as much of law and liberty with him, as the nature of things will bear."⁴

In 1729 the Attorney-General Yorke gave an important opinion upon the statute law in the following words :

"I am of opinion that such general statutes as have been made since the settlement of Maryland, and are not by express words located either to the plantations in general or to the Province in particular, are not in force there, unless they have been introduced and declared to be laws by some Acts of Assembly of the Province, or have been received there by long uninterrupted usage or practice."⁵

These famous opinions clearly state that the common law of England becomes *ipso facto* the common law of the colonies, and

¹ Magna Charta, Section 39. G. C. Lee, *Source-book of English History*, 175.

² W. S. Church, *A Treatise on the Writ of Habeas Corpus*, 3-4.

³ McAll, I, 71, 72. Also *Id. Reports*, XXXVIII. 203.

⁴ George Chalmers, *Opinions* (Colonial), 206.

⁵ *Ibid.*, 208.

writ, while the jailor forfeited a hundred pounds for not making a return. This law was made to apply to any county palatine, to the Cinque Ports, and other privileged places within England, Wales, Berwick on Tweed, and the islands of Jersey and Guernsey. Persons charged with debt or civil action were excluded from the benefits of the act, while the criminal class was limited by the treason and felony clause. Lecky says that before the Revolution of 1688 there were only fifty capital offenses upon the statute book, but the number was increased until in 1770 it was estimated in Parliament that such crimes numbered one hundred and fifty, while Blackstone says that at that time they equalled one hundred and sixty. In 1786 it was said that the number had increased.¹ Felonious crimes tended to increase in number throughout the eighteenth century, and hence the Habeas Corpus Act was greatly limited. It is important only as marking the beginning of efficient legal protection for individual liberty, but its power grew as the terms "felony" and "treason" were limited in their meaning.

This statute, which is now considered to be one of the fundamentals of English liberty, makes no mention of the colonies. Hence, according to the opinions already cited, it did not extend to the plantations; and further testimony bears out the same conclusion. When the Charter of Liberties of New York came before the committee of trade and plantations, March 3, 1684, it contained the following clause: "That the Inhabitants of New York shall be governed by and according to the Laws of England." The committee observed that "This Privilege is not granted to any of His Ma^y Plantations where the Act of habeas corpus and all such other Bills do not take Place."² In 1692 Massachusetts passed a Habeas Corpus Act, which was practically a copy of the English act. Three years later this came before the Privy Council, which disallowed it: "Whereas . . . the writt of Habeas Corpus is required to be granted in like manner as is appointed by the Statute 31 Car. II. in England, which priviledge has not as yet been granted to any of His Maj^y Plantations, It was not thought fitt in His Maj^y absence that the said Act should continue in force and therefore the same is repealed."³

These quotations only strengthen the opinions first given and prove that the Habeas Corpus Act did not extend to the colonies; but they do not prove that the colonists failed to enjoy the writ; as will be seen from an examination of the conditions in the various colonies.

¹ W. E. H. Lecky, *A History of England in the 18th Century*, VI. 246.

² *Documents Relating to the Colonial History of New York*, III. 357.

³ *Acts and Resolves of the Province of Mass.*, I. 99.

The latter was kept in prison fifteen hours and then was only released to bail upon an application made by a lawyer, who was the son of the judge.¹

Pennsylvania made provision for the issuing of writs of habeas corpus in the various court laws. Although these were repealed frequently in England, yet they were again and again re-enacted. In the laws of 1682 provision was made that any one unlawfully imprisoned should have double damages against the informer or prosecutor. This was abrogated in 1693, but was re-enacted the same year.² It was upon such acts that the legal protection of the Pennsylvanians depended.

One of the most interesting bits of colonial legislation was that of South Carolina, which passed an act in 1692 empowering the magistrates to "execute and put in force an Act made in the Kingdom of England, Anno 31, Caroli 2, Regis, commonly called the Habeas Corpus Act."³ McCrady says that this act was disallowed by the proprietors on the ground that it was unnecessary as the laws of England applied to the colony.⁴ The act seems to have been enforced despite the decision of the proprietors, for we find that the act of 1712 repealed in so many words that of 1692. The new law of 1712 provided that any two of the lords proprietors deputies, or the chief justice of the province, or any one of the lords proprietors deputies and one of the justices of the peace, or any two of the justices of the peace could put in execution the Habeas Corpus Act as "fully, effectually and lawfully as any Lord Chancellor, Lord Keeper, or any of Her Majestie's Justices, either of the one Bench, or the Barons of the Exchequer."⁵ This laid an extraordinarily heavy fine of five hundred pounds for the failure to execute the act. It also held that "all and every person which now is or hereafter shall be within any part of this Province, shall have to all intents, constructions and purposes whatsoever, and in all things whatsoever, as large ample and effectual right to and benefit of the said act, commonly called the Habeas Corpus Act, as if he were personally in the said Kingdom of England."⁵ This statute remained the law of South Carolina through the first quarter of the nineteenth century, and it is a good illustration of the difference between the laws of the various colonies. That South Carolina was more fortunate than Massachusetts may be explained by the fact that the law of the former might not have been submitted to England.

¹ Samuel Smith, *Hist. of the Colony of N. J.*, 391.

² *Charters to William Penn and Laws of the Province of Pa., 1682-1700*, 100.

³ *Statutes of S. C.*, edited by Thomas Cooper, II. 74.

⁴ Edward McCrady, *History of South Carolina, 1670-1719*, 247-248.

⁵ *Statutes of S. C.*, II. 399.

appear and if any Barron or Judge Provost Marshall or other Officer contrary hereunto shall recommit such person so bailed or delivered You are to remove him from his place And if the Provost Marshall or other Officer having the Custody of the Prisoner neglects to return the Habeas Corpus or refuses a copy of the Commitment within Six hours after demand made by the Prisoner or any other in his behalf shall likewise incur the forfeiture of his place And for the better prevention of long imprisonments You are to appoint two Courts of Oyer and Terminer to be held yearly Viz.¹ On the Second Tuesday in December and the Second Tuesday in June the charge whereof to be paid by the Publick Treasury of our said Colony not exceeding £100 each Session. You are to take care that all Prisoners in cases of Treason or Felony have the liberty to petition in open Court for their Tryals that they be Indicted at the first Court of Oyer and Terminer unless it appears upon Oath that the Witnesses against them could not be produced and that they be tryed the Second Court or discharged And the Barron or Judge upon motion made the last day of the sessions in open Court is to bail the Prisoner or upon the refusal of the said Barron or Judge and Provost Marshall or other Officer to do their respective Dutys herein they Shall be removed from their places. Provided always that no person be discharged out of Prison who Stands committed for debt for any Decree of Chancery or for any legal proceedings of any Court of Record. And for the preventing any exactions that may be made upon Prisoners You are to declare our pleasure that no Barron or Judge shall receive for himself or Clerks for granting a Writt of Habeas Corpus more than two Shillings Six pence and the like sum for taking a Recognizance and that the Provost Marshall shall not receive more than five Shillings for every commitment one Shilling three pence for the bond the Prisoner is to Sign one Shilling three pence for every copy of a Mittimus and one Shilling three pence for every mile he bringeth back the Prisoner. In obedience to her Majestys Commands and to the intent that all her subjects may be fully informed how much they owe to her Majestys Royal favour for these her gracious Concessions I Alexander Spotswood Esqr. her Majestys Lieut. Governor of her Colony and Dominion of Virginia have thought fit by and with the advice of her Majestys Council to issue this my Proclamation hereby commanding in her Majestys name the Sheriffs of the respective Countys within this Colony to cause this Signification of her Majestys will and pleasure to be openly read and published at the Court houses of their respective Countys at the next Court after the receipt hereof. And I do further with the advice aforesaid require and command the Justices of the respective County Courts to cause the Same to be Registered in the Records of their Said Countys and to observe these her Majestys Commands as they will answer the contrary at their perill Given at Williamsburgh under my hand and the Seale of the Colony this 6th day of July 1710 in the ninth year of her Majestys Reign.

“God Save the Queen.

“A SPOTSWOOD.

“The afore written Proclamation was ordered to be Recorded and it is accordingly Recorded.

“Teste William Randolph, Cl. Cur.”¹

¹ This is certified as a true transcript: “A true transcript from the record, 1902 Jany. 10.—Samuel P. Waddin.”

from any hindrance on the part of England. In their legislation, however, there was no violent departure from the law of England, which showed the close relation felt by the colonists in the common inheritance of the English law.

A. H. CARPENTER.

JOHN QUINCY ADAMS AND THE MONROE DOCTRINE

II.

ON November 13 Adams prepared the usual memorandum of suggestions for the President's annual message at the opening of the session of Congress.¹ He took it to the Executive Mansion and found Monroe "still altogether unsettled in his own mind" on the answer to be given to Canning's proposals, and "alarmed, far beyond anything that I could have conceived possible, with the fear that the Holy Alliance are about to restore immediately all South America to Spain." In this view he was supported by Calhoun, a man who certainly did not err on the side of a cheerful optimism, and the surrender of Cadiz to the French was the immediate cause of this despair. Adams pressed for a decision, either to accept or to decline Canning's advances, and a despatch could then be prepared conformable to either decision.² Monroe's vacillation was all the more notable as he had received the counsels of Jefferson and Madison, an episode of which Adams was still in ignorance, for he was not shown the letters until the fifteenth.

If Calhoun was the alarmist member of the Cabinet, Adams was at the other extreme. As well expect Chimborazo to sink beneath the ocean, he believed, as to look to the Holy Alliance to restore the Spanish dominion upon the American continent. If the South Americans really had so fragile governments as Calhoun represented them to be, there was every reason not to involve the United States in their fate. With indecision in the President and dark apprehension in Calhoun, Adams alone held a definite opinion, and in clear phrase he expressed it in summation of the Cabinet discussion :

"I thought we should bring the whole answer to Mr. Canning's proposals to a test of right and wrong. Considering the South Americans

¹ This memorandum is among the Monroe MSS. in the New York Public Library. It consists of four pages of manuscript, and contains nothing on Canning's proposition. I was in the belief that it was an incomplete paper until I found in the Ford collection, in the same library, a rough note in Monroe's writings of "Adams's Sketch," closely following the heads of the Adams manuscript and leaving no doubt of its covering all the points of that paper.

² *Memoirs of John Quincy Adams*, VI. 185.

as independent nations, they themselves, and no other nation, had the *right* to dispose of their condition. *We* have no right to dispose of them, either alone or in conjunction with other nations. Neither have any other nations the right of disposing of them without their consent. This principle will give us a clue to answer all Mr. Canning's questions with candor and confidence, and I am to draft a dispatch accordingly."¹

At this juncture Russia again intervened. On November 15, Baron de Tuyl communicated to Adams extracts from a despatch received from his court, dated August 30, N. S., containing an exposition of the views of the Emperor Alexander and his allies on the affairs of Spain and Portugal. It was not unusual for the ruler of Russia to take the governments of other countries into his confidence and display before them some of the political principles which controlled his actions or explain some of the motives which actuated his councils. As a member of the Holy Alliance, he was bound by its decisions, and was often made the spokesman of its policy. Such utterances usually took the form of circular letters addressed to the different cabinets of Europe, and, so far as I am able to discover, had not for some years been addressed to the United States. This was only natural, for the United States had deliberately isolated itself from European councils, and could hardly expect to be deemed worthy of being taken into the secret conclaves of the powers dealing with matters on which our representatives were ever asserting they could give no opinion or pledge of action. Further, the very political system of the United States was so opposed to that dominating Europe, that ground for common action could not be found. If England, with her relatively liberal system and many mutual interests with continental Europe, found herself unable to act with the Holy Alliance, it was out of the question for the United States, without any of these interests, to take part in their proceedings. There was every reason for keeping entirely aloof, and, even in a matter that did concern our country, like the negotiations on the slave trade, it was only as a matter of favor that the United States was informed of the conclusions, and as a matter of grace invited to give its adherence to the result. It was, therefore, an unusual incident for the government of the United States to receive from such a source a communication bearing upon the general public policy of Europe. It was difficult to escape the conclusion that some ulterior motive was to be sought. The paper is not accessible, and deserves to be given in full.

¹ *Memoirs of John Quincy Adams*, VI. 186.

qui repoussaient jusqu'aux services rendus par une main étrangère, devaient disparaître devant un sentiment universel, devant le besoin d'opposer une digue impénétrable au retour des troubles et des révolutions dont nous avons tous été, trente ans, les jouets et les victimes. Que l'on compare l'Espagne telle que nous la peignaient des prédictions sinistres, à l'Espagne telle qu'elle se montre aujourd'hui ; que l'on suive les rapides progrès de la bonne cause, depuis l'année dernière, et on se convaincra de ces utiles vérités, on verra que la paix, en se rétablissant, aura pour base la conviction généralement acquise des précieux avantages d'une politique qui a délivré la France, en 1814 et 1815, volé au secours de l'Italie en 1821, brisé les chaînes de l'Espagne et du Portugal en 1823 ; d'une politique, qui n'a pour objet que de garantir la tranquillité de tous les Etats dont se compose le monde civilisé.

Il importe que les Ministres et Agents de l'Empereur ne perdent pas de vue ces graves considérations et qu'ils les développent toutes les fois qu'ils trouvent l'occasion de les faire apprécier.

L'Alliance a été trop calomniée et elle a fait trop de bien pour qu'on ne doive pas confondre ses accusateurs, en plaçant les résultats à côté des imputations, and l'honneur d'avoir affranchi et sauvé les peuples, à côté du reproche de vouloir les asservir et les perdre.

Tout autorise à croire que cette salutaire Alliance accomplira sans obstacle sérieux l'œuvre dont elle s'occupe. La Révolution expirante peut bien compter quelques jours de plus ou de moins d'agonie, mais il lui sera plus difficile que jamais de redevenir Puissance ; car les Monarques Alliés sont décidés à ne pas transiger, à ne pas même traiter avec elle. Certes, ils ne conseilleront, en Espagne, ni les vengeances ni les réactions ; et leur premier principe sera constamment, que l'innocence obtienne une juste garantie et l'erreur un noble pardon ; mais ils ne sauraient reconnaître aucun droit créé et soutenu par le crime ; ils ne sauraient pactiser avec ceux qu'on a vus renouveler à l'isle de Léon, à Madrid et à Séville des attentats qui prouvent le mépris ouvert de tout ce que les hommes devraient respecter le plus dans l'intérêt de leur repos et de leur bonheur. C'est avec cette détermination qu'a été formé et que sera poursuivi le siège de Cadix. On ne posera les armes qu'au moment où la liberté du roi aura enfin été conquise et assurée.

Ce moment sera celui, où les Alliés rempliront envers l'Espagne le reste de leurs engagements et de leurs devoirs. Ils se garderont de porter la plus légère atteinte à l'indépendance du Roi, sous le rapport de l'administration intérieure de ses Etats, mais par l'organe de leurs Ambassadeurs (Sa Majesté Impériale se propose alors d'accréditer temporairement le Lieutenant Général Pozzo di Borgo auprès de S. M. C.) ils élèveront la voix de l'amitié, ils useront de ses privilèges, ils profiteront de leur position, pour insister avec énergie sur la nécessité d'empêcher que l'avenir ne reproduise les erreurs du passé, de confier à des Institutions fortes, monarchiques et toutes nationales les destinées futures de l'Espagne et de rendre désormais inutile l'assistance qu'elle a reçue, en y fondant un gouvernement dont la sûreté résidera dans le bien même dont il sera l'instrument et l'auteur.

Les Alliés ne pourront signaler ni les lois, ni les mesures, ni les hommes les plus capables de réaliser de telles intentions. Mais ils croiraient manquer à une de leurs obligations les plus essentielles, s'ils n'avertissaient Ferdinand VII, redevenu libre, que leur entreprise demande encore une dernière apologie aux yeux de l'Europe, et que si la

mote and separate from European traditions and administration, could give rise to a new and more active political principle, — the consent of the governed, between which and the Emperor there could not exist even a sentimental sympathy. If the Holy Alliance could boast of its strength and agreement when engaged in stamping out all opposition to legitimacy, the United States, hearing the whisperings of a projected American union, with itself at the head, an Alliance that did not arrogate to itself the epithet of Holy, could demand that the European concert justify its existence, its actions and its motives by records other than the bloody scenes at Naples, in France, and in Spain. Here was Adams's opportunity. It was no longer Canning who was to be answered; it was Europe, — and he seized it as only a masterful man, certain of his ground, can find in the very reasons of his opponent the best of support for his own position.

In the following parallel are given Adams's first draft of the answer to Canning, prepared November 17, and the amendments made by Monroe, November 20.

ADAMS'S DRAFT.¹

N. 76 RICHARD RUSH, Envoy Extraordinary and Minister Plenipotentiary, U. S., London.

DEPARTMENT OF STATE, WASHINGTON,
29 November, 1823.

Sir, — Your despatches numbered 323, 325, 326, 330, 331, 332, 334 and 336 have been received, containing the Reports of your Conferences, and copies of your confidential Correspondence with Mr Secretary Canning, in relation to certain proposals made by him tending to a concert of principles, with reference to the Affairs of South America, between the United States and Great Britain, and a combined and candid manifestation of them to the World.

The whole subject has [been] received the deliberate consideration of the President, under a deep impression of its general importance, a full conviction of the high interests and sacred principles involved in it, and an anxious solici-

¹ What is inclosed in brackets of both Adams's and Monroe's papers was omitted in the final form of this despatch.

tude for the cultivation of that harmony of opinions, and unity of object between the British and American Nations, upon which so much of the Peace, and Happiness, and Liberty of the world obviously depend.

I am directed to express to you the President's entire approbation of the course which you have pursued, in referring to your Government the proposals contained in Mr Canning's private and confidential Letter to you of 20 August. And I am now to signify to you the determination of the President concerning them. A determination which he wishes to be at once candid, explicit, and conciliatory, and which being formed, by referring each of the proposals to the single and unvarying Standard of Right and Wrong, as understood *by us* and maintained by us, will present to the British Government, the whole system of opinions and of purposes of the American Government, with regard to South America.

The first of the *principles* of the British Government, as set forth by Mr Canning is

"1. We conceive the recovery of the Colonies by Spain to be hopeless."

In this we concur.

The second is

"2. We conceive the question of the Recognition of them as Independent States, to be one of time and circumstances."

We *did* so conceive it, until with a due regard to all the rights of Spain, and with a due sense of our responsibility to the judgment of mankind and of posterity, we had come to the conclusion that the recovery of them by Spain *was* *hopeless*. Having arrived at that conclusion, we considered that the People of those emancipated Colonies, were *of Right*, Independent of all other Nations, and that it was our duty so to acknowledge them. We did so acknowledge them in

March 1822. From which Time the recognition has no longer been a question *to us*. We are aware of considerations just and proper in themselves which might deter Great Britain from fixing upon the same *Time*, for this recognition, with us; but we wish to press it earnestly upon her consideration, whether, after having settled the point that the recovery of the Colonies by Spain was *hopeless*—and after maintaining at the Cannon's mouth, commercial Relations with them, incompatible with their Colonial Condition while subject to Spain, the *moral* obligation does not necessarily result of recognizing them as Independent States.

"3. We are however by no means disposed to throw any impediment in the way of an arrangement between them and the mother Country, by *amicable Negotiation*."

Nor are we. Recognizing them as Independent States we acknowledge them as possessing full power, to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things, which Independent States may of right do. Among these an arrangement between them and Spain, by amicable negotiation is one, which far from being disposed to impede, we would earnestly desire, and by every proper means in our power endeavour to promote provided it should be founded on the basis of Independence.¹ But recognizing them as Independent States, we do and shall justly and [*provided their accommodation with Spain be founded on that basis*] necessarily claim in our relations with them political and commercial to be placed upon a footing of equal favour with the most favoured Nation.

"4. We aim not at the possession of any portion of them ourselves."

"5. We could not see any por-

MONROE'S AMENDMENTS.

amendment proposed to first line,
3^d pa:
[*"provided their accommodation with Spain was be founded on that basis"*]

¹ This phrase is taken from Monroe's amendments.

tion of them transferred to any other Power, with indifference."

In both these positions we fully concur—And we add

That we could not see with indifference any attempt [by one or more powers of Europe to dispose of the Freedom or Independence of those States, without their consent, or against their will.]

[To this principle, in our view of this subject all the rest are subordinate. Without this, our concurrence with Great-Britain upon all the rest would be useless.] It is upon this ground alone as we conceive that a firm and determined stand could now be jointly taken by Great Britain and the United States in behalf of the *Independence of Nations*, and never in the History of Mankind was there a period when a stand so taken and maintained, would exhibit to present and future ages a more glorious example of Power, animated by Justice and devoted to the ends of beneficence.

[With the addition of this principle, if assented to by the British Government, you are authorised to join in any act formal or informal, which shall manifest the concurrence of the two Governments on this momentous occasion. But you will explicitly state that without this basis of Right and moral obligation, we can see no foundation upon which the concurrent action of the two Governments can be harmonized.

If the destinies of South America, are to be trucked and bartered between Spain and her European Allies, by amicable negotiation, or otherwise, without consulting the feelings or the rights of the People who inhabit that portion of our Hemisphere.]

[The ground of Resistance which we would oppose to any *interference* of the European Allies, between Spain and South America, is not founded on any partial interest of

substitute the following after attempt in 6th line.

"any attempt by one or more powers of Europe, to restore those new States, to the crown of Spain, or to deprive them, in any manner whatever, of the freedom and independence which they have acquired, [*Much less could we behold with indifference the transfer of those new gov^t, or of any portion of the spanish possessions, to other powers, especially of the territories, bordering on, or nearest to the UStates.*"]

omit in next parag^h the passage marked and substitute the following—

"with a view to this object, it is indispensable that the British gov^t take like ground, with that which is now held by the UStates,—that it recognize the independence of the new gov^t.—That measure being taken, we may then harmonize, in all the [*necessary*] arrangements and acts, which may be necessary for its accomplishment." [*the object.*] It is upon this ground alone, etc. [to the end of the parag^h]

omit the residue and substitute something like the following—

[“We have no intention of acquiring any portion of the spanish possessions for ourselves, nor shall we ever do it by force. Cuba is that portion, the admission of which into our union, would be the most eligible, but it is the wish of this gov^t, that it remain, at least for the present, attached to Spain. We have declared this sentiment publicly. and shall continue to act on it. It could not be admitted into our union, unless it should first declare its independence, and that independence should be acknowledged by Spain, events which may not occur for a great length of time, and which the UStates

our own or of others. If the Colonies belonged to Spain we should object to any transfer of them to other Nations, which would materially affect our interests or rights, but with that exception we should consider Spain as possessing the common Power of disposing of her own Territories. Our present opposition to the disposal of any part of the American Continents by Spain, with her European allies is that they do not belong to Spain, and can no more be disposed of by her, than by the United States.

With regard to the Islands of Cuba and Porto-Rico, to the Inhabitants of which the free Constitution of Spain, as accepted and sworn to by the King has been extended, we consider them as possessing the right of determining for themselves their course of conduct, under the subversion of that constitution, by foreign Military power. Our own interest and wish would be that they should continue in their political connection with Spain under the administration of a free Constitution, and in the enjoyment of their Liberties as now possessed; we could not see them transferred to any other Power, or subjected to the antient and exploded dominion of Spain, with indifference. We aim not at the possession of them ourselves.]

I am with great Respect, Sir,
your very humble and obed^t Serv^t

ADAMS'S SUBSTITUTE.

We believe however that for the most effectual [*object*] accomplishment of the object common to both Governments, a perfect understanding with regard to it being established between them, it will be most advisable that they should act separately each making such Representation to the Continental European Allies or either of them, as circumstances may render proper, and mutually communicating to each other the purport of such

will rather discourage than promote.]

On this basis, this gov^t is willing to move in concert with G. Britain, for the purposes specified.

[with a view however to that object, it [*is submitted*] merits consideration, whether it will not [*be most advantageous to*] contribute most effectually, to its accomplishment, a perfect understanding being established between the two gov^{ts}, that they act for the present, & until some eminent danger should occur, separately, each making such representation to the allied powers, or to either of them as shall be deemed most adviseable. Since the receipt of your letters, a communication has been made by Baron T. the Russian minister here, to the following effect. [then state his letter respecting minister etc., and also the informal communication. State also the instructions given to M^r Middleton, and *those* the purport of those, which will be given to the minister at Paris.] On this subject, it will be proper for you to communicate freely with Mr Canning, as to ascertain fully the sentiments of his gov^t. He will doubtless be explicit, as to the danger of any movement of the allied powers, or of any, or either of them, for the subjugation, or transfer of any portion of the territory in question, from Spain, to any other power. If there be no such danger, there will be no motive for such concert, and it is only on satisfactory proof of that danger, that you are authorized to provide for it.]

Representations, and all information respecting the measures and purposes of the Allies, the knowledge of which may enlighten the Councils of Great-Britain and of the United States, in this course of policy and towards the honourable end which will be common to them both. Should an emergency occur in which a *joint* manifestation of opinion by the two Governments, may tend to influence the Councils of the European Allies, either in the aspect of persuasion or of admonition, you will make it known to us without delay, and we shall according to the principles of our Government and in the forms prescribed by our Constitution, cheerfully join in any act, by which we may contribute to support the cause of human freedom and the Independence of the South American Nations.

On November 21st these papers were examined in Cabinet meeting. Canning had said that Great Britain would not throw any impediment in the way of an arrangement between the colonies and mother country, by amicable negotiation. He would not object to the colonies, under that method, granting to Spain commercial privileges greater than those given to other nations. This did not meet the wishes of Adams, who desired for the United States the footing of the most favored nation. The President did not understand the full meaning of this wish, and proposed a modifying amendment, "which seemed to admit that we should not object to an arrangement by which special favors, or even a restoration of authority, might be conceded to Spain." This was to accept Canning's position to the full, and perhaps even went further, for the restoration of Spanish authority could hardly have occurred to a man who started from the belief that the recovery of the colonies by Spain was hopeless. Both Calhoun and Adams strenuously objected. "The President ultimately acceded to the substance of the phrase as I had in the first instance made the draft; but finally required that the phraseology of it should be varied. Almost all the other amendments proposed by the President were opposed principally by Mr. Calhoun, who most explicitly preferred my last substituted paragraph to the President's projected amendment. The President did not insist upon any of his amendments which were

not admitted by general consent, and the final paper, though considerably varied from my original draft, will be conformable to my own views."¹

One paper still remained to be answered, and it was really the most important of all—the Emperor's pæan on despotism. Not only was it important as an expression of opinions and policy abhorrent to the American system of government, but it gave Adams the opportunity of making a reply to Europe. Canning's offer of a joint responsibility, limited it must be added to furthering the ends of Great Britain, was no longer to be considered. As an ally of Great Britain the United States would play a very secondary part. Alone, even against united Europe, America could gain the same result and without departing from a policy of avoiding entangling political alliances with any European power. Monroe was willing to raise a European question by aiding Spain and Greece. Adams avoided such a step and changed the issue into an American question, to be determined by America without the interference of any European government, whether English or continental. In this lies the great merit and strength of Adams's position. He lifted the question from one of joint action with England to one of individual action of the United States.

At the Cabinet meeting of November 21, Adams outlined his intended reply to the later communications received from Baron Tuyl, a paper to be first communicated verbally and afterwards delivered to him confidentially. "My purpose would be in a moderate and conciliatory manner, but with a firm and determined spirit, to declare our dissent from the principles avowed in those communications; to assert those upon which our own Government is founded, and, while disclaiming all intention of attempting to propagate them by force, and all interference with the political affairs of Europe, to declare our expectation and hope that the European powers will equally abstain from the attempt to spread their principles in the American hemisphere, or to subjugate by force any part of these continents to their will."²

While the President approved this idea, his first draft of his message to Congress showed that he had not comprehended the general drift of the Secretary's intentions in the conduct of the foreign relations of the United States. In calling the Cabinet meeting for the 21st he had included among the questions to be considered "whether any, and if any, what notice, shall be taken of

¹ *Memoirs of John Quincy Adams*, VI. 193.

² *Memoirs of John Quincy Adams*, VI. 194.

Greece, and also of the invasion of Spain by France."¹ Accordingly his draft alluded to recent events in Spain and Portugal, "speaking in terms of the most pointed reprobation of the late invasion of Spain by France, and of the principles upon which it was undertaken by the open avowal of the King of France. It also contained a broad acknowledgment of the Greeks as an independent nation."² Where was the future Monroe doctrine in all this? It was, as Adams said, a call to arms against all Europe, and for objects of policy exclusively European—Greece and Spain. Protest only led the President to promise to draw up two sketches for consideration, conformable to the two different aspects of the subject. He was ready to adopt either, as his Cabinet might advise. Nothing could better prove how the essential part of Adams's views had escaped Monroe's attention. On the next day the Secretary again urged Monroe to abstain from everything in his message which the Holy Alliance could make a pretext for construing into aggression upon them. He should end his administration—"hereafter to be looked back to as the golden age of this republic"—in peace. If the Holy Alliance were determined to make up an issue with the United States, "it was our policy to meet it, and not to make it. . . . If they intend now to interpose by force, we shall have as much as we can do to prevent them, without going to bid them defiance in the heart of Europe."³ And Adams again stated the heart of his desired policy in unmistakable words: "The ground that I wish to take is that of earnest remonstrance against the interference of the European powers by force with South America, but to disclaim all interference on our part with Europe; to make an American cause and adhere inflexibly to that." In Gallatin, Adams found a congenial spirit on every point save that of the Greeks; and Gallatin talked with Monroe. The result of the urgency of these two men was that the President modified his paragraphs on foreign affairs, and made them conformable to the spirit of Adams's position. The result is to be seen in the Presidential message of December 2,

¹JAMES MONROE TO JOHN QUINCY ADAMS.

Dear Sir,—I have given notice to the other members of the admⁿ, who are present, to meet here at one o'clock, at which time you will bring over the draught of the instruction to Mr. Rush for consideration. I mean to bring under consideration, at the same time, the important question, whether any, and if any, what notice, shall be taken of Greece, and also of the invasion of Spain by France. With a view to the latter object, be so good as to bring over with you, a copy of the King's Speech, to the legislative corps, announcing the intended invasion.

J. M.

—Adams MSS

Nov^r 21. 1823.

²*Memoirs of John Quincy Adams*, VI. 194.

³*Memoirs of John Quincy Adams*, VI. 197.

1823, enunciating the doctrine that has since gone under the name of Monroe.

Adams had prepared the draft of his reply to the Russian communication, as he thought, in such a manner as to "correspond exactly with a paragraph of the President's message which he had read to me yesterday, and which was entirely conformable to the system of policy which I have earnestly recommended for this emergency." It was intended to be a firm, spirited, and yet conciliatory answer to all the communications lately received from the Russian government, and at the same time an unequivocal answer to the proposals made by Canning to Rush.

"It was meant also to be eventually an exposition of the principles of this Government, and a brief development of its political system as henceforth to be maintained: essentially republican, maintaining its own independence, and respecting that of others; essentially pacific—studiously avoiding all involvement in the combinations of European politics, cultivating peace and friendship with the most absolute monarchies, highly appreciating and anxiously desirous of retaining that of the Emperor Alexander, but declaring that having recognized the independence of the South American States, we could not see with indifference any attempt by European powers by forcible interposition either to restore the Spanish dominion on American Continents or to introduce monarchical principles into those countries, or to transfer any portion of the ancient or present American possessions of Spain to any other European Power."¹

How far these intentions were fulfilled a careful study of the paper itself will show. Like all of Adams's papers it is clearly expressed and most direct to the point.

Observations on the Communications recently received from the Minister of Russia.²

The Government of the United States of America is *Republican*. By their Constitution it is provided that "The United States shall guaranty to every State in this Union, a *Republican* form of Government, and shall protect each of them from invasion.

[The principles of this form of Polity are; 1 that the Institution of Government, to be lawful, must be pacific, that is founded upon the consent, and by the agreement of those who are governed; and 2 that each Nation is exclusively the judge of the Government best suited to itself, and that no other Nation, can justly interfere by force to impose a different Government upon it. The first of these principles may be designated, as the principle of *Liberty*—the second as the principle of *National Independence*—They are both Principles of *Peace* and of *Good Will to Men*.]

[A necessary consequence of the second of these principles is that] The United States recognize in other Nations the right which they claim and exercise for themselves, of establishing and of modifying their own

¹ *Memoirs of John Quincy Adams*, VI. 199, 200.

² What is enclosed between brackets was struck out of the paper.

In the communications recently received from the Baron de Tuvill, so far as they relate to the immediate objects of intercourse between the two Governments, the President sees with high satisfaction, the avowal of unabated cordiality and kindness towards the United States on the part of the Emperor.

With regard to the communications which relate to the Affairs of Spain and Portugal, and to those of South America, while sensible of the candour and frankness with which they are made, the President indulges the hope, that they are not intended *either* to mark an *Æra* either of change, in the friendly dispositions of the Emperor towards the United States or of hostility to the principles upon which their Governments are founded; or of deviation from the system of neutrality hitherto observed by him and his allies, in the contest between Spain and America.

To the Notification that the Emperor, in conformity with the *political principles* maintained by himself and his Allies, has determined to receive no Agent from any of the Governments *de facto*, which have been recently formed in the new World it has been thought sufficient to answer that the United States, faithful to *their* political principles, have recognised and now consider them as the Governments of Independent Nations.

To the signification of the Emperor's hope and desire that the United States should continue to observe the neutrality which they have proclaimed between Spain and South-America, the answer has been that the Neutrality of the United States will be maintained, as long as that of Europe, apart from Spain, shall continue and that they hope that of the Imperial Government of Russia will be continued.

[To the confidential communication from the Baron de Tuvill, of the Extract, dated St Petersburg 30 August 1823. So far as it relates to the affairs of Spain and Portugal, the only remark which it is thought necessary to make, is of the great satisfaction with which the President has noticed *that* paragraph, which contains the frank and solemn admissions that "*the undertaking of the Allies, yet demands a last Apology to the eyes of Europe.*"]

In the general declarations that the allied Monarchs will never compound, and never will even treat with the *Revolution* and that their policy has only for its object by *forcible* interposition to guaranty the tranquillity of *all the States of which the civilised world is composed*, the President wishes to perceive sentiments, the application of which is limited, and intended in their results to be limited to the Affairs of Europe.

That the sphere of their operations was not intended to embrace the United States of America, nor any portion of the American Hemisphere.

And finally deeply desirous as the United States are of preserving the general peace of the world, their friendly intercourse with all the European Nations, and especially the most cordial harmony and goodwill with the Imperial Government of Russia, it is due as well to their own unalterable Sentiments, as to the explicit avowal of them, called for by the communications received from the Baron de Tuvill, to declare

That the United States of America, and their Government, could not see with indifference, the forcible interposition of any European Power, other than Spain, either to restore the dominion of Spain over her emancipated Colonies in America, or to establish Monarchical Governments in those Countries, or to transfer any of the possessions heretofore

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or yet subject to Spain in the American Hemisphere, to any other European Power.

DEPARTMENT OF STATE WASHINGTON, 27 November, 1823

When Adams laid before the Cabinet on the twenty-fifth, this draft of his paper, much discussion and opposition were developed. The timidity of Monroe was aroused, and the other members of the Cabinet hesitated. Calhoun questioned whether it would be proper to deliver any such paper to the Russian minister; it contained an ostentatious display of republican principles, might be offensive to the Russian government, and even to that of Great Britain, which would by no means relish so much republicanism. The President's message would be sufficient. "It was a mere communication to our own people. Foreign powers might not feel themselves bound to notice what was said in that. It was like a family talking over subjects interesting to them by the fireside among themselves. Many things might be said there without offense, even if a stranger should come among them and overhear the conversation, which would be offensive if they went to his house to say them."¹

Wirt, the Attorney-General, raised the point whether the United States would be justified in taking so broadly the ground of resistance to the interposition of the Holy Alliance by force to restore the Spanish dominion in South America. If the Holy Alliance should act in direct hostility against South America, would this country oppose them by war? There was danger in assuming the attitude of menace without meaning to strike. But Adams, while admitting the remote possibility of war, saw no immediate prospect of that event: "The interest of no one of the allied powers would be promoted by the restoration of South America to Spain; that the interest of each one of them was against it, and that if they could possibly agree among themselves upon a partition principle, the only possible bait they could offer to Great Britain for acceding to it was Cuba, which neither they nor Spain would consent to give her; that my reliance upon the co-operation of Great Britain rested not upon her principles, but her interest."²

Calhoun was filled with gloomy apprehensions. Having subdued South America, the Allies would turn their attention to the United States, "to put down what had been called the first example of successful democratic rebellion." By taking a firm stand now these intentions might be frustrated, even at the expense of war. And he repeated his suggestion of answering the Russian commu-

¹ *Memoirs of John Quincy Adams*, VI. 200.

² *Memoirs of John Quincy Adams*, VI. 203.

nications by the paragraph in the Presidential message. To this Adams gave a conclusive reply.

"The communications from the Russian Minister required a direct and explicit answer. A communication of the paragraph in the President's message would be no answer, and if given as an answer would certainly be very inconsistent with the position that foreigners have no right to notice it, because it was all said among ourselves. This would be precisely as if a stranger should come to me with a formal and insulting display of his principles in the management of his family and his conduct towards his neighbors, knowing them to be opposite to mine, and as if I, instead of turning upon him and answering him face to face, should turn to my own family and discourse to them upon my principles and conduct, with sharp innuendoes upon those of the stranger, and then say to him, 'There! take that for your answer. And yet you have no right to notice it; for it was only said to my own family, and behind your back.'"¹

For three days the discussion was continued, and resulted finally in a victory for Adams, but at the expense of two paragraphs of his draft—those indicated by the brackets. The Secretary fought well to have them retained, and thought the first of them to be the "heart of his paper." From the principles there given "all the remainder of the paper was drawn. Without them, the rest was a fabric without a foundation." The President² was fearful, and Wirt described the paragraph as a "hornet of a paragraph, and, he thought, would be exceedingly offensive." Adams in reply could only say that it was the "cream of my paper," but he felt that the President would not let it pass. Monroe, after forty-eight hours of consideration, gave an opinion:

Nov^r 27 [1823.]

The direct attack which the parag^h makes on the recent movements, of the Emperor, and of course, censure, on him, and its tendency to irritate, suggest the apprehension that it may produce an unfavorable effect. The illustration of our principles, is one thing; the doing it, in such a form, bearing directly, on what has passed, and which is avoided in the message, is another. Nevertheless, as you attach much interest to this passage, I am willing that you insert it, being very averse to your omitting anything w^{ch} you deem so material. J. M.³

¹ *Memoirs of John Quincy Adams*, VI. 208.

² JAMES MONROE TO JOHN QUINCY ADAMS.

Dear Sir,—I am inclined to think that the second parag^h had better be omitted, and that such part of the 3^d be also omitted, as will make that parag^h stand, as the second distinct proposition, in our system. The principle of the paper, will not be affected by this modification, and it will be less likely to produce excitement anywhere.

Two other passages, the first in the first page, and the second, in the 3^d are also marked for omission. J. M.

You had better see the Baron immediately.

Nov^r 27, 1823.

³ From the Adams MSS.

by Mr. Canning against the measure as stated particularly in your despatches are so feeble, and your answers to them so conclusive, that after the distinct avowal of our sentiments, it may perhaps best conduce to the ultimate *entire* coincidence of purposes between the two Governments to leave the choice of *Time* for the recognition, which Mr. Canning has reserved to the exclusive consideration of the British Ministers themselves.

We receive the proposals themselves, and all that has hitherto passed concerning them, according to the request of Mr. Canning as *confidential*. As a first advance of that character, which has ever been made by the British Government, in relation to the *foreign* affairs between the two Nations, we would meet it with cordiality, and with the true spirit of confidence, which is candour. The observations of Mr. Canning in reply to your remark, that the policy of the United States has hitherto been, entirely distinct and separate from all interference in the complications of European Politics, have great weight, and the considerations involved in them, had already been subjects of much deliberation among ourselves. As a member of the European community Great Britain has relations with all the other powers of Europe, which the United States have not, and with which it is their unaltered determination, not to interfere. But American Affairs, whether of the Northern or of the Southern Continent *can* henceforth not be excluded from the interference of the United States. All questions of policy relating to them have a bearing so direct upon the Rights and Interests of the United States themselves, that they cannot be left at the disposal of European Powers animated and directed exclusively by European principles and interests. Aware of the deep importance of united ends and councils, with those of Great Britain in this emergency, we see no possible basis on which that harmonious concert of measures can be founded, other than the general principle of South-American Independence. So long as Great Britain withholds the recognition of that, we may, as we certainly do concur with her in the aversion to the transfer to any other power of any of the colonies in this Hemisphere, heretofore, or yet belonging to Spain; but the principles of that aversion, so far as they are common to both parties, resting only upon a casual coincidence of interests, in a National point of view *selfish* on both sides, would be liable to dissolution by every change of phase in the aspects of European Politics. So that Great Britain negotiating at once with the European Alliance, and *with us*, concerning America, without being bound by any permanent community of principle, [but only by a casual coincidence of interest with us,¹] would still be free to accommodate her policy to any of those distributions of power, and partitions of Territory which have for the last half century been the ultima ratio of all European political arrangements. While we, bound to her by engagements, commensurate only with the momentary community of our separate particular interests, and self-excluded from all Negotiation with the European Alliance, should still be liable to see European Sovereigns dispose of American interests, without consulting either with us, or with any of the American Nations, over whose destinies they would thus assume an arbitrary superintendence and controul.

It was stated to you by Mr. Canning that in the event of a proposal for a European Congress, to determine upon measures relating to South

¹ The words enclosed have been struck out in pencil, as evidently a repetition of what had been already expressed.

"But the most decisive blow to all despotick interference with the new States is that which it has received in the President's Message at the opening of Congress. It was looked for here with extraordinary interest at this juncture, and I have heard that the British packet which left New York the beginning of this month was instructed to wait for it and bring it over with all speed. It is certain that this vessel first brought it, having arrived at Falmouth on the 24th instant. On its publicity in London which followed as soon afterwards as possible the credit of all the Spanish American securities immediately rose, and the question of the final and complete safety of the new States from all European coercion, is now considered as at rest."

It now remains to give some further evidence of the position of Monroe. The steps by which he was induced to modify his views to accord with those of Adams have been given, and it is seen that as late as November 13th he was entirely unsettled what answer to make to Canning's propositions; that in the draft of his message he had shown a marked failure to grasp the full meaning of Adams's arguments and was prepared to enter into European politics on a question entirely European; and that only a few days before the message was sent to Congress did he change his views of the relations of the United States to Europe so as to conform with those of his Secretary of State. While Adams looked upon the matter as closed, and must have felt the full force of his victory in making the influence of the United States thus felt in Europe, Monroe still entertained fears. On sending a copy of the message to Jefferson he wrote on December 4th:

"I have concurr'd thoroughly with the sentiments expressd in your late letter, as I am persuaded, you will find, by the message, as to the part we ought to act, toward the allied powers, in regard to S^t. America. I consider the cause of that country, as essentially our own. That the crisis is fully as menacing, as has been supposed, is confirmd, by recent communications, from another quarter, with which I will make you acquainted in my next. The most unpleasant circumstance, in these communications is, that Mr. Canning's zeal, has much abated of late. Whether this proceeds, from the unwillingness of his gov^t., to recognize the new gov^t., or from offers made to it, by the allied powers, to seduce it, into their scale, we know not. We shall nevertheless be on our guard, against any contingency."¹

To his son-in-law, Samuel L. Gouverneur, he wrote on the same day, in a like apprehensive tone, as though the country had to fear a grave danger, evidently a remaining trace of the feeling that prompted the first draft of his message. Always rather formal in his manner of expressing his thoughts, he is even more than formal when striving to strike a note of profound import.

"I send you two copies of the message, better printed than that which I sent yesterday, with the information, which we possess, of the

¹ From the Jefferson MSS.

is contemplated. In what form is uncertain. It is hoped that the sentiments expressed in the message, will give a check to it. We certainly meet, in full extent, the proposition of Mr. Canning, and in the mode to give it the greatest effect. If his gov^t makes a similar declⁿ, the project will, it may be presumed, be abandoned. By taking the step here, it is done in a manner more conciliatory with, and respectful to Russia, and the other powers, than if taken in England, and as it is thought with more credit to our gov^t. Had we mov'd in the first instance in England, separated as she is in part, from those powers, our union with her, being marked, might have produced irritation with them. We know that Russia, dreads a connection between the UStates and G. Britain, or harmony in policy. Moving on our own ground, the apprehension that unless she retreats, that effect may be produced, may be a motive with her for retreating. Had we mov'd in England, it is probable, that it would have been inferr'd that we acted under her influence, and at her instigation, and thus have lost credit as well with our southern neighbours, as with the allied powers.

There is some danger that the British gov^t, when it sees the part we have taken, may endeavour to throw the whole burden on us, and profit, in case of such interposition of the allied powers; of her neutrality, at our expense. But I think that this would be impossible after what has passd on the subject; besides it does not follow, from what has been said, that we should be bound to engage in the war, in such event. Of this intimations may be given, should it be necessary. A messenger will depart for Engl^d with despatches for Mr. Rush in a few days, who will go on to S^t Petersburg with others to Mr. Middleton. And considering the crisis, it has occur'd, that a special mission, of the first consideration from the country, directed to Engl^d in the first instance, with power, to attend, any congress, that may be conven'd, on the affrs of S^t am: or Mexico, might have the happiest effect. You shall hear from me further on this subject.

Very sincerely your friend

[no signature.]

Endorsed "rec^d Dec. 11."¹

With this letter I may close the present paper, leaving to a subsequent study the development of the doctrine given by Adams while President. That the authorship of what passes under the name of the Monroe doctrine belonged to Adams has been surmised by all who have treated of the occasion of the first utterances. Plumer, a contemporary, claimed the credit for Adams; Dr. Welling, no mean authority in such matters, as he went back to original sources as far as possible, asserted it as his conclusion; and Reddaway does the same. But none of those writers knew of the papers now used for the first time, papers that have slumbered in the archives at Quincy, where they have been so carefully preserved. They illuminate the pages of the *Memoirs* covering this period, and while permitting us to interpret the sentences of that record, they also bring forcibly before us the part that Adams played in not

¹ From the Jefferson MSS. in the Department of State, Washington, D. C.

only framing an American policy, but in forcing its acceptance upon an unwilling and fearsome President and Cabinet. It is useless to speculate upon what might have been the course pursued had Adams not been where he was. Monroe's career was one series of blunders and failures, a succession of performances which would have ruined any man not resting upon a tradition, a party and a state. He had undone himself in France under Washington ; in France and England under Jefferson he had been discredited ; in Spain he had failed ; and in the war of 1812 he had done nothing. That such a man could have stood up against Europe alone is inconceivable, and there was no person in the Cabinet, except Adams, who would have given him support in such measure. To originate the idea, to carry it in the face of all opposition, to bring Monroe to its support and make him the spokesman—this was distinctly the work of Adams. It is needless to seek for the paragraphs of Monroe's message embodying this doctrine in the expectation of finding them in Adams's writing. It is enough to follow the course of events in the light of these new state papers to know that the Monroe doctrine was the work of John Quincy Adams.

WORTHINGTON CHAUNCEY FORD.

LINCOLN AND THE PATRONAGE¹

THE inauguration of Lincoln has for us so tragic and so critical an aspect, that we find it difficult to put ourselves in the place of the average politician of the day, to whom it was chiefly interesting, as affording an opportunity for plunder, or as bringing, almost, a certainty of removal. No sooner were the election returns in, than Springfield filled with anxious crowds,² and during the nine days which he spent in Washington, as President-elect, Lincoln was pursued by applicants, as eager as if there were no doubt about the stability of the government they wished to serve.³ To those who were present in the flesh must be added thousands who confided their desires to the post, and, according to his degree, every Republican of prominence was deluged with requests, modest and pretentious,⁴ some accompanied by bribes,⁵ others supported by an appeal to pity,⁶ or a claim for reward.⁷ It was a motley crowd; western lawyers mingled with the drill sergeants of Weed's organization, while some sturdy workers against slavery thought that their disinterested constancy might now receive an earthly crown.⁸ A new party had come into power, eager to break its fast, and feast on the good things that the administration had to dispense.

Richard Henry Dana wrote to Charles Francis Adams, March 9, 1863, of Lincoln: "He seems to me to be fonder of details than of principles, of tithing the mint, anise and cummins of patronage, and personal questions, than of the weightier matters of empire."⁹ Lincoln himself deeply lamented the time devoted to these petty

¹ This article is a by-product of a work on the history of the patronage. Lincoln's administration is not particularly significant, from the point of view of development, but is rich in materials. It, therefore, seemed worth while, considering also the intrinsic interest of everything that relates to Lincoln, to prepare a fuller treatment of this period than just proportion would permit in the completed work.

² Lamon, *Life of Abraham Lincoln*, 457.

³ Tarbell, *Life of Abraham Lincoln*, I. 423.

⁴ Chase MSS. I have read several thousand such letters, for the period 1860-1865. See also Hollister, *Life of Schuyler Colfax*, 173. Almost any biography or volume of recollections gives like evidence.

⁵ Riddle, *Recollections of War Times*, 21.

⁶ Chase MSS., *passim*.

⁷ A typical letter is one to Chase, Nov. 24, 1863. Chase MSS.

⁸ *New York Tribune*, March 19, 1861. ——— to Chase, Dec. 15, 1862. Chase MSS. C. M. Clay, *Autobiography*, I. 252-257.

⁹ Adams, *Richard Henry Dana*, II. 264.

matters,¹ when great issues demanded his attention, although, as always, he saw the humorous side of the situation,² and gained a goodly supply of stories, from his experiences in dealing with them. Regrettable as was this constant distraction, the importance of the work must not be underrated. The situation demanded a politician, as well as a statesman, and had Lincoln been the latter only, he would have failed in his task. If he could not have held the Republican party together, he would have formulated statesmanlike policies in vain; and that he held it together was quite largely due to such use of the public plunder that its cohesive power was felt to the uttermost. The purely political problem before Lincoln, using "political" in the narrow American sense of the word, was a more difficult one than any that had confronted previous Presidents.

Scores of diverse elements, each thinking that its labors had been the most effective, had to be kept together in the moment of victory. The sharing of the spoils revived the old enmities, which had been temporarily lost sight of in the heat of the conflict. Democrat abhorred Whig, and both still looked on the Abolitionist as dangerous, while a rumor that Lincoln would try to conciliate the border states by appointing "Bell-Everetts" in that region caused consternation.³ The *Tribune* said: "Of course, they must alienate many by their distribution of the patronage; were they angels they could not fail to do this."⁴ That the party remained solid throughout the war, and that the war Democrats so loyally supported the Union was, to be sure, mainly due to the nature of the issue, but the time that Lincoln spent in trying to "do justice to all"⁵ was not wasted. To entrust similar functions to favorites, is deemed blameworthy in a King, or in a President when he entrusts them to a boss. Lincoln seems to have fallen into the temptation, thus to shift the task to other shoulders. He told a visitor at Springfield that he would call an adviser, when the proper time came, and would go over the most important cases with him, and would have little or nothing to do with minor posts,⁶ but fortunately he changed his mind before the trial came, and did not shirk this arduous but necessary duty.

The consensus of public opinion, in no uncertain tones, formulated the principles which should be followed in regard to the civil service. These were the halcyon days of the spoils system; but

¹ Herndon, *Abraham Lincoln*, III. 507.

² Lamon, *Recollections of Abraham Lincoln*, 212; Tarbell, *Lincoln*, II. 25.

³ ——— to Chase, March 27, 1861. *New York Tribune*, March 26, 1861.

⁴ March 4, 1861.

⁵ Lincoln, *Complete Works*, I. 657.

⁶ Tarbell, *Lincoln*, II. 23.

listening most intently, one can scarcely hear a whisper of reform. The public offices constituted a fund, from which the most deserving party workers were to be paid for their service; positions were to be held only four years, in order that everybody might have a chance. If this were the practice when a President succeeded one of his own party, how much more when he followed an opponent! An excuse was found for such rapid change in the theory that official duties were so easy as to be within the capacity of any American. The career of Lincoln previous to 1861 did not indicate that he opposed this creed. He had held a few minor offices in his youth, before party organization and its concomitant, the spoils system, had reached Illinois.¹ In 1849, as the voluntarily retiring representative of his district, he had much to say about certain appointments under the new Whig administration. In one letter he stated the facts in regard to the Democratic incumbent, and requested that some general rule be adopted, and that it be applied without modification in this case.² Another letter, in regard to an officer whose removal had been requested, he premised with the statement that the man in question had done the duty of his office well, and was a gentleman in a true sense, but it is evident before the end, that he shared the desire for the removal.³ Lincoln was himself an applicant, but he seems to have sacrificed his chances for the sake of a friend.⁴

While there is nothing in his conduct or expressed views before election which can be considered a protest against the prevailing practice, there is nothing, on the other hand, dishonorable. His language and action are always those of a man who is honest even with himself. He made no ante-nomination promises,⁵ and as few ante-inauguration ones as possible,⁶ but he fulfilled, in making up his cabinet, two pledges made by his managers.⁷ One well acquainted with him would have expected an honest and politic administration of the patronage, along the customary lines, for the benefit of the party.

The pressure for a "clean sweep"⁸ was so insistent that the administration could not settle down to more serious business until it was, in part at least, relieved. Seward, in his famous "Thoughts

¹ Tarbell, *Lincoln*, I. 96, 99.

² Lincoln, *Works*, I. 153.

³ *Ibid.*, I. 155.

⁴ Tarbell, *Lincoln*, I. 229-231.

⁵ Rhodes, *History of the United States from the Compromise of 1850*, II. 467.

⁶ Tarbell, *Lincoln*, II. 23.

⁷ Rhodes, II. 467.

⁸ Brooks, *Lincoln*, 207.

several instances. With Cameron in the War Department, we are not surprised to hear that the clerks there "received broad intimation . . . that most of them would be expected to retire, for others who had not enjoyed the flesh-pots."¹ The news was early given out that Chase intended seriously to enforce the law that subordinates should be examined before appointment;² and the regulation was apparently carried out.³ Changes were not numerous in the State Department; William Hunter was appointed under Jackson and served until 1886, and Frederick Seward says that his father retained all the loyal clerks.⁴

The mention of loyal clerks suggests one reason for the completeness of the overturn in 1861. The long alliance of the Northern Democracy with the South caused office-holders to be generally suspected. In the diplomatic service the South had about its proper proportion,⁵ yet it was popularly believed that the whole corps was pro-slavery in sentiment. The *Tribune*, June 3, 1861, stated: "In deference to universal sentiment, the President will suspend the diplomatic functions of James E. Harvey, Minister to Portugal." Seward wrote to Dayton, July 6, 1861, that our representatives in foreign courts were demoralized, and, in some cases, we had reason to believe, absolutely disloyal.⁶ The few officials who were retained in service were those who came out decidedly for the Union, as Mr. Cisco, Assistant Treasurer at New York.⁷ It is probably true also, as the *Tribune* stated, that the general standard of efficiency was lower than usual in 1860.⁸ These circumstances do not explain the proscription; that was inevitable; but they partly explain its severity.

As our public men lacked the inventiveness of our mechanics, political custom decreed that all these vacated offices, and all the new ones created by the necessities of the war, should be filled by hand. Yet custom provided, also, for the subdivision of the labor. By a gradual development, beginning in the greater local knowledge of its members, and becoming particularly rapid after the election of Jackson, Congress had established a strong claim to dictate many of the appointments. Its members, indeed, seemed ready to take upon themselves the entire burden; but as the various Secretaries were responsible for the conduct of their subordinates, they claimed

¹ *Tribune*, March 23, 1861.

² *Tribune*, March 9, 1861.

³ Hart, *Salmon P. Chase*, 216-217.

⁴ Seward, *Seward at Washington*, I. 520.

⁵ In 1859, 79 out of 151. "Blue Book."

⁶ Bancroft, *The Life of William H. Seward*, II. 153.

⁷ *Ex. Jour.*, IX. 324; X. 330; XII. 269.

⁸ *Tribune*, March 9, 1861.

overrule it. But in strict response to 'How?' I will say this. The Delegation have had *their* choice in Mr. Goodrich, an old Whig—never a Free-soiler. The President has had *his* choice in Mr. Tuck for naval officer, an old Whig, finally voting for Winthrop in the celebrated contest for the speakership. Though it is your department, you have not had *your* choice."¹ Sumner in a letter to R. H. Dana, April 14, 1861, described his interview with Lincoln, when presenting the list agreed to by the Massachusetts Congressmen,² and the *Tribune* of April 13th announced that the whole of it had been accepted, though the opposition had been strong. The President seems to have made it a uniform practice to consult with the Senators before making nominations from or for their states,³ whether he could follow their advice or not. A correspondent advised Chase to send in certain nominations at once, as the next Senator from California might cause him trouble if he delayed.⁴ While the more important state posts were thus largely controlled by the delegations, and especially the Senators, the minor offices scattered over the country were generally left almost entirely to the Representatives from the district, if they were reliable. Riddle, from the Western Reserve, had all the post-offices for the asking, except that of Cleveland,⁵ in regard to which Senator Wade was consulted, who, however, refused to interfere in the matter.⁶

Although Lincoln thus made Congressional representations the basis of his system of appointments, he did not submit to dictation. There are a few evidences that Congress was not altogether satisfied, or was becoming jealous of the waxing power of the President. These are particularly interesting as indicating that the struggle between the two branches of the government might have come about, even if Johnson had not succeeded Lincoln. The first act creating the system of national banks gave the nomination of the Comptroller of the Currency to the Secretary of the Treasury, and fixed his term at five years, during which he was to be removed only by and with the advice and consent of the Senate.⁷ Such a change of constitutional principles was too great to be made until the question had been fully threshed out, and the act of 1864 modified the latter clause, so that merely a statement to the Senate of the cause of removal was required.⁸ The growing distrust of the executive is

¹ Chase MSS.

² Adams, *Dana*, II. 257.

³ Lincoln, *Works*, II. 210, 213, 513, 578.

⁴ ——— to Chase, March 9, 1863. Chase MSS.

⁵ Riddle, *Recollections of War Times*, 24.

⁶ Tarbell, *Lincoln*, II. 340.

⁷ *Cong. Globe*, 3d Session, 37th Cong., App., p. 189.

⁸ *Cong. Globe*, 1st Session, 38th Cong., App., p. 169.

of the more important selections;¹ he was responsible for the appointment of Charles Francis Adams, against the wishes of Lincoln,² and many other estimable appointments should be credited to him, as of John Lothrop Motley, of Mr. March to Italy, and of John Bigelow as consul-general at Paris.

No one man caused the President more trouble in the distribution of the patronage than Chase, who had probably higher ideals on the subject than any one else in the Cabinet,³ and was always spurred on to fight for his rights by that suspicion of all who opposed him, which is so common in people of high ideals. He strongly advocated the right of the head of a department to choose the subordinates for whom he was responsible;⁴ but he did not attempt to control the appointments of the great collectors under him.⁵ He was favored, however, by the President's appointing, without any pressure from him, his friend Barney to the most important post of all, the collectorship of New York;⁶ while the immense expansion of business, and the great number of special officers needed, gave him abundant opportunity to try his hand at managing the patronage.

In 1864 Chase declared that he would despise himself if he were capable of appointing or removing a man for the sake of the presidency.⁷ At this high standard he seems to have aimed conscientiously during his administration of the Treasury Department; but it did not always insure a wise choice of subordinates or keep him entirely out of the mud of partizan politics. Men are known by their friends. Chase disliked opposition, and on the whole did not make friends of the chief men in public life.⁸ The impression that one gets from the letters written to him during his term of office is that, besides many high-principled men, he had about him a large number who played upon his high motives, and that he was less keen than the average man in public life in reading character. There is more flattery than is ordinary in such letters, much parade of high motive, that does not ring quite true; and, while capacity is put forward as a reason for appointment, the chief emphasis is laid upon personal friendship or need. A typical extract is the following: " ' Let justice be done if the heavens fall.' Mr. Elliot is

¹ ——— to Chase, June 12, Aug. 29, Sept. 17, 1862; Jan. 5, 1863. Chase MSS.

² Adams, *Charles Francis Adams*, 145-146.

³ Hart, *Chase*, 311.

⁴ *Ibid.*, 305. Bancroft, *Seward*, II. 356. Chase to Seward, Mar. 27, 1861. The appointment of his brother was involved in this case.

⁵ ——— to Chase, April 11, 1861. Chase MSS. *Ex. Jour.*, Vol. XI., 292.

⁶ Hart, *Chase*, 217.

⁷ *Ibid.*, 311.

⁸ *Ibid.*, 422.

the White House" upon his friends,¹ and matters did not become more pleasant after his withdrawal from the contest for the presidential nomination.² Finally a difficulty about an office in New York, which he fought through and finally compromised with a New York Senator, led him to send in his resignation, perhaps with the idea of forcing a definite arrangement with regard to the patronage. The resignation was unexpectedly accepted. Perhaps Lincoln did not feel like entering upon another term with the certain prospect of friction in the Cabinet. July 1, 1864, Chase ceased to be Secretary of the Treasury.

The other members of the Cabinet occasioned much less difficulty. Stanton quietly attended to his business, though he was occasionally irritable.³ Cameron's remark, that if Pennsylvania had stood by him at Chicago, he would have been President, "and then we all could have gotten everything that we wanted,"⁴ shows him a spoilsman and unashamed, but as such, he, perhaps, understood the position of the President better than Chase; while his incompetency soon caused him to be delicately transferred to a post in Russia.⁵ The Blairs had learned politics in the school of Jackson and, like Cameron, knew the traditions, and were besides in confidential relations with Lincoln,⁶ until the dismissal of Montgomery in 1864. The following message to the Secretary of the Interior shows that the President was disposed to consult the less powerful Secretaries: "Please ask the Commissioner of Indian affairs and of the General Land Office to come with you, and see me at once. I want the assistance of all of you in overhauling the list of appointments a little before I send them to the senate."⁷ While he could rather peremptorily command the most powerful when necessary,⁸ in ordinary circumstances he did not force his opinion on even the minor subordinates who dispensed the patronage. He wrote to Chase: "I have been greatly — I may say, grievously — disappointed and disobliged by Mr. Cochran's refusal to make Mr. Evans deputy naval officer, as I requested him to do. . . . A point must be strained to give Mr. Evans a situation."⁹

Another set of men who claimed to be heard were the governors.

¹ ——— to Chase, Oct. 30, 1863. Chase MSS.

² Hart, *Chase*, 310-314.

³ Gorham, *Life and Public Services of Edward M. Stanton*, 246-248. Hart, *Chase* 307.

⁴ McClure, *Lincoln and the Men of War-Times*, 132.

⁵ Tarbell, *Lincoln*, II. 76-78. Weed, *Autobiography of Thurlow Weed*, 330.

⁶ Lincoln, *Works*, II. 374, 375, 433, 434, 438, 579.

⁷ Tarbell, *Lincoln*, II. 343.

⁸ Lincoln, *Works*, II. 335.

⁹ Lincoln, *Works*, II. 42.

the White House" upon his friends,¹ and matters did not become more pleasant after his withdrawal from the contest for the presidential nomination.² Finally a difficulty about an office in New York, which he fought through and finally compromised with a New York Senator, led him to send in his resignation, perhaps with the idea of forcing a definite arrangement with regard to the patronage. The resignation was unexpectedly accepted. Perhaps Lincoln did not feel like entering upon another term with the certain prospect of friction in the Cabinet. July 1, 1864, Chase ceased to be Secretary of the Treasury.

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⁷ Tarbell, *Lincoln*, II. 343.

⁸ Lincoln, *Works*, II. 335.

⁹ Lincoln, *Works*, II. 42.

he followed the accepted doctrine that many could perform the duties required, and that other qualities and circumstances should be taken into consideration in making the selection. As there was nothing novel in this practice, so the additional considerations were, most of them, time-honored. But in the abundance of traditions there were some that he neglected, and in this, and in the weight assigned to each, he showed his individuality.

From the days of the Continental Congress, geographical considerations have always had their influence. Had George Washington lived in Delaware, he would not have been chosen commander-in-chief in 1775. Such influences are a natural result of our territorial extent, our federal and representative government. Lincoln was himself largely indebted to them for his own nomination. His appreciation of them is sufficiently obvious from a study of his Cabinet. "Pennsylvania, any more than New York or Ohio, cannot be overlooked," he told Weed.¹ The geographical arrangement, once fixed, was continued through all Cabinet changes. Stanton, of Pennsylvania, succeeded Cameron, of the same state. Caleb Smith was followed by Usher, also of Indiana; Bates, of Missouri, by Speed, of Kentucky; and when Chase's place could not be filled from Ohio, an Ohio Postmaster-General was soon afterwards appointed. When McCulloch was needed in the Treasury, Usher resigned, that Indiana might not have two members. It was with reluctance, however, that, as President-elect, Lincoln yielded to advice, and requested John A. Gilmer, who was not a Republican, to take a place in his Cabinet, in order that the South might be represented.² Party consolidation seemed to outweigh geography in this instance. When he could do so without risk, however, he was glad to favor the South. The double representation of Missouri was largely due to the fact that it was the only slave state to give a respectable Republican vote. Early in 1861 he wrote to John A. Gilmer: "As to the use of patronage in the slave states, where there are few or no Republicans, I do not expect to inquire for the politics of the appointee, or whether he does or does not own slaves. I intend in that matter to accommodate the people in the several localities, if they themselves will allow me to accommodate them. In one word, I never have been, am not now, and probably never shall be in a mood of harassing the people either north or south."³ When President, he gave one applicant a note for the Postmaster-General, concluding: "I think Virginia should be heard in such cases."⁴

¹ Tarbell, *Lincoln*, I. 400.

² *Ibid.*, 394.

³ *Ibid.*, I. 402.

⁴ *Ibid.*, 340.

trustworthy in the main points.¹ Such cases seldom come to light ; and when one is found, others probably may be inferred. This simply means that Lincoln stretched a point, in time of need, in the use of the patronage, as he did in the interpretation of the constitution.

All evidence indicates that Lincoln never went to such extremes except to accomplish some really vital object, that he never abused, and apparently never used, the patronage for personal aggrandizement. After Chase's resignation, the President instructed Fessenden not to remove the friends of Chase.² Of course, the conditions made it impossible to prevent subordinate officers from interfering in factional fights, particularly those at a distance from Washington and in the south,³ but Lincoln seems to have faithfully followed the principles laid down in a letter to a postmaster, accused of misusing his official power, August 5, 1864 : . . . "All our friends should have absolute freedom of choice among our friends. My wish, therefore, is that you will do just as you think fit with your own suffrage in the case, and not constrain any of your subordinates to do other than he sees fit with his." ⁴ As the use of the patronage to carry out a broad national policy, if not commendable, is to be distinguished from that for personal advantage, so the latter should not be confused with a little harmless favoritism or nepotism. Lincoln was seldom nice about small points, and perhaps felt justified in getting some pleasure out of his heavy task. Many instances are given of his appointing old friends, generally for friendship's sake,⁵ and sometimes against advice.⁶ Mrs. Lincoln's "numerous cousins" were occasionally aided in securing favors.⁷ He was always fond of artists, and wrote to Seward in regard to two who had painted his portrait at Springfield, that he had "some wish" that they might have some of those moderate-sized consulates which facilitate artists a little in their profession.⁸

Underlying all these principles, and the hundred rules implied in them, was the basal theory of the spoils system, which has been

¹ A hunt for the posts involved fails to reveal them, but for obvious reasons ; the yeas and nays were not called for when the bill passed, the members who wanted the collectorships, doubtless, only cared for the patronage—that is, took them to give away, and the other did not get his post.

² Hart, *Chase*, 318.

³ ——— to Chase, Feb. 26, 1864, states that the Republican candidate for governor of Louisiana was nominated because of his use of government patronage.

⁴ Lincoln, *Works*, II. 558.

⁵ Tarbell, *Lincoln*, I. 105, 106 ; II. 360, 502-505. Herndon, *Lincoln*, III. 506, 507.

⁶ Tarbell, *Lincoln*, II. 17.

⁷ Lincoln, *Works*, II. 430.

⁸ Tarbell, *Lincoln*, I. 374.

nounced: "The second inaugural of President Lincoln takes place at Washington to-day, and an immense throng of politicians . . . have already flocked thither, . . . to push their fortunes." Lincoln was firm, however, and March 7 the same paper stated: "Office-seekers were informed that no general removal of officers would be made." This really unusual willingness to diminish the power of the patronage, even though personal annoyance was the main cause of it, was a long step on the road to reform, and it is by no means improbable that Lincoln, with his wonderful capacity for growth, might have accepted the idea of appointment by examination, and advanced it to an earlier victory.

CARL RUSSELL FISH.

of the letters in the midst of the bulletins did not prove that Duquesnoy was the author of the bulletins. He also pointed out that while the publication was a correct reproduction of the manuscript B. no variants were given. He recalled the fact that M. de la Sicoitière had stated in 1885 that these bulletins and letters that he attributed to Duquesnoy began in December, 1788, and ended in May, 1790, and asked why M. de Crèvecoeur had not published them all.¹ While not believing in the authorship of Duquesnoy, M. Brette does not attempt to solve the question of authorship. He suggests that the bulletins may have been the work of anonymous writers of *nouvelles à la main*, of a M. Bernard or of a M. Fiscal, but hardly seems to take these suggestions seriously himself.

As to the hypothesis that the *Journal* belongs to the class of newspapers called *nouvelles à la main*, the evidence upon which it rests appears to me of but little value. M. Brette laid great stress upon the fact that in the manuscript B.—the only one that he has seen—the bulletins are not all in the same handwriting, and, above all, that the writing changes often at the foot of the page, even when such a change divides a sentence. Upon the first point I shall not dwell. I am acquainted with no law that enables me to decide how many copyists a man may reasonably employ at the same time—unless it be the length of his purse—nor how often he may reasonably change them. Upon the changes in the middle of a sentence or at the bottom of the page, I shall say a word. I have examined the manuscript B.² As far as I was able to discover, the sudden changes are found only in bulletins 8 and 9, and each bulletin shows two handwritings. Hardly sufficient evidence, one would think, to justify the statement that “these methods savor of the workshop of the *nouvelles*.”³ The truth is that the hand-

¹ In the *Revue Critique* of June 22, 1896, M. Guilhaume, who had aided M. de Crèvecoeur in the revision of his proofs, replied to M. Brette and gave a satisfactory answer to this question. In a note printed in the *Intermédiaire*, M. de la Sicoitière had made the statement that led M. Brette to assume that the manuscript had been tampered with. “La réalité est beaucoup plus simple : c’est la note de l’*Intermédiaire* qui est erronée. . . . M. de la S. a sans doute écrit mars, et l’imprimeur de l’*Intermédiaire* aura lu mai.” Prefixed to the manuscript S. are “quelques lettres, sans aucun rapport avec le *Journal*, et relatives à l’Assemblée des notables.”

² Bibliothèque Nationale, *Nouvelles Acquisitions Françaises*, Nos. 224, 225. The manuscript fills volumes XIV. and XV. of the *Notes sur l’Histoire d’Espagne et de France*. This main head appears upon the title page with the subhead, *Correspondance sur l’Assemblée Nationale*. In the printed volumes, the matter is divided at the same point as in the manuscript.

³ “Le manuscrit B. dont il nous donne le texte *in extenso* présente cette particularité que les écritures qui, pour le tome I, ne doivent pas être au nombre de plus de cinq ou six, sont alternatives et changent, non pas avec les bulletins, non pas avec les dates, mais avec les pages mêmes ; le copiste ne finit pas la phrase ; il a été payé pour écrire tant de pages, il passe la main quand sa tâche est remplie. Ces procédés sentent bien, on en conviendra, l’officine des *nouvelles*.” *Revue Critique*, May 11, 1896.

Fiscal the bulletins that I sent to him?" Fiscal could not have been the author of these bulletins, for the author was a member of the Assembly. In M. Brette's excellent lists of the members of the Constituent Assembly, there is no Fiscal. To M. Brette, Fiscal was an obscure person who might have been the writer of *nouvelles à la main*. Fiscal was not so obscure as M. Brette thinks. Princes, a hundred years ago, did not have letters addressed to them *par la voie* of obscure persons.¹ If M. Brette wishes to find M. Fiscal, he should look for him not in Paris, but in the place where the Prince of Salm-Salm was residing in November, 1789.

The remaining objections of M. Brette to the authorship of Duquesnoy rest upon other grounds than those that we have been considering. The writer makes incorrect statements. It is the opinion of M. Brette that Duquesnoy could not have been ignorant of these things. Here we are in the region of uncertainties. What is the test? Duquesnoy was from Nancy and Nancy is in Lorraine. If the writer of the bulletins should refer several times to Nancy as a city of Provence, the inference would be natural that the writer could not be Duquesnoy. Unfortunately, the facts cited by M. Brette are not of this kind and there might be a justifiable difference of opinion as to whether Duquesnoy could be ignorant of them and remain Duquesnoy.² I believe that, in face of the strong positive reasons that will be given in support of the authorship of Duquesnoy, we must infer that he was ignorant.

Up to the present time, much of the discussion upon this question of authorship has been irrelevant. A restatement of the question may render its solution less difficult. Whatever may be the relations between manuscripts S. and B., it is generally agreed that the published work is a correct reproduction of the manuscript B.³ Furthermore, there is no reason to doubt the genuineness of this manuscript. It was undoubtedly written in the years 1789 and 1790. The handwriting being that of copyists, proves nothing as to authorship. Is it possible from the study of this manuscript, aided by all the resources at our disposal, to determine the authorship of these bulletins? I believe that it is. If it be not, then historical criticism is but a useless theory, for never was there a more promising opportunity for it to prove its practical value.

¹ "Il est étonnant que vous n'ayez pas reçu les lettres qui vous ont été adressées par la voie de M. Fiscal. M. le comte m'assure qu'elles peuvent être retardées, mais qu'elles ne seront point égarées, parce qu'il est sûr de lui." *Journal*, II. 11. Bernard to Salm-Salm.

² *Revue Critique*, June 22, 1896, p. 370.

³ "La publication actuelle faite en conséquence de la découverte signalée est la reproduction scrupuleuse et correcte du manuscrit conservé à la Bibliothèque nationale dans les papiers de Beauchamps." M. Brette in the *Revue Critique*, May 11, 1896.

The connection between some of the bulletins can be established by means of language. In the first bulletin—a very short one—he writes: “Je pense, et je ne suis pas le seul, que le gouvernement veut nous prendre par famine et par lassitude.” The first sentence of the next bulletin reads: “L’opinion qu’on veut prendre les députés par ennui ou par famine attache chaque instant d’avantage.” The appearance of the same idea in both bulletins, expressed in almost identical language, would seem to indicate common authorship. In bulletin 10 is the uncommon expression, “Une fureur de parler inconcevable!” This expression is met with again in bulletin 14, in the form, “Tous ont la fureur de parler,” and finally in an autograph letter by Duquesnoy it appears again in the phrase, “La fureur de parler que vous nous connaissez.”¹ Is the expression sufficiently unique to justify the inference that these two bulletins had a common author and that that author was Duquesnoy? I am somewhat familiar with the literature of the Revolution, but if I have encountered the expression in any other writer, I have forgotten it. The very unique expression, “Déliberer quatre jours sur l’aile d’une mouche,” is found in bulletins 10 and 12; it would seem to bind them to each other and to bind 12 to 14. The language employed in 2 (p. 4) and in 10 (p. 30), in describing the sermon of the bishop of Nancy, connects 2 with 10 and, consequently, with 12 and 14.

Language is, however, not the only nor is it the most important means employed in binding the bulletins together. The continuity of the narrative, the references to statements in earlier bulletins, judgments upon men and events, personal sentiments, personal interests and associations, all these things point to a common author. In dealing with these topics, we are at the same time forming a conception of the personality of the writer. Instead of grouping the matter under these different heads, I shall adopt a more practical method of presentation, treating the bulletins in their order and showing some of the possible connections.

The connection between bulletins 1 and 2 is established by the language referred to above, by a reference in number 2 to an incorrect statement in 1, and by the fact that the bulletins deal with the events of successive days and form a continuous narrative. Bulletin 3 takes up the narrative where 2 leaves it. There is, also, a reference in 3 to the “sermon de l’évêque” that would be intelligible only to a reader of 2. The remarks made in numbers 5 and 6 upon Necker’s speech, connect those bulletins with 3. The opening sentence in 4 marks that bulletin as a continuation of 3.

¹ *Journal*, I. 85.

Lorraine ;¹ he was on most intimate terms with the deputies from Nancy ;² he made special mention of the words and deeds of persons known in Lorraine ;³ he was a member of the *comité des subsistances*.⁴

There was, in the Assembly, but one man to whom this description applied ; that man was Adrien Duquesnoy. He was born at Briey in Barrois, and represented that place in the National Assembly. Some years before 1789, he had moved to Nancy, where he became a member of the *société libre des sciences, arts et belles-lettres* and also of the *Conseil de Commerce*.⁵ In the Assembly, he was a member of the *comité des subsistances*.⁶ Finally, he was a writer of bulletins.⁷

If I have succeeded in my effort to connect the bulletins, if I have correctly described the personality of the writer, and have stated exactly the facts of Duquesnoy's life, then it would seem to follow, with a high degree of probability, that Duquesnoy must have been the author of the first forty bulletins.

FRED MORROW FLING.

¹ See the references to Lorraine given above.

² Bulletins 4, 6, 16, 24.

³ See the references to Lorraine given above.

⁴ Bulletins 27, 39, 40.

⁵ *Journal*, I. pp. xviii-xx.

⁶ *Procès-verbal de l'Assemblée Nationale*, I., No. 2, p. 4, the name of Duquesnoy appears in the list as representing the *généralité* of Lorraine.

⁷ *Journal*, I. 172.

annual Regulations, established by His Majesty's Order in Council, Care was taken that no Restriction should be laid on the Trade carried on either by Land or Inland Navigation, between the said Provinces and the Territories of the United States, or other Countries bordering on the said Province; and in an Act passed in the 28th year of His Majesty's Reign for making permanent Regulations for this purpose, the same Policy of laying no Restrictions of the nature before mentioned was pursued. And the Lords of the Committee having had this Subject under their consideration of the 13th July 1787—gave it as their Opinion to Lord Sydney, then one of His Majesty's principal Secretaries of State, that it should be left to Lord Dorchester, Governor of Quebec with the Advice of the legislative Council of that Province, to make such Orders respecting any Intercourse by Land or by Inland Navigation between the said Province and the Territories belonging to the United States of America, as should be thought by them to be most proper, not doubting that the Orders which His Lordship, with the Advice of the said Council, should give, would be consistent with the Laws of Great Britain and most conducive to the Interests of His Majesty's Subjects; but the Committee at the same time advised, that Lord Dorchester should be instructed on no account to permit, under pretence of such Intercourse, the Introduction into Canada of foreign Manufactures, or of Spirits made in any foreign Country or the Export from Canada into the neighbouring States of Furs and Peltry.

The Lords of the Committee, having received further Information on this Subject, and repeatedly taken the same into consideration are confirmed in the Opinion they before entertained that it will be advisable, in a commercial, and, they may add, in a political view also to permit, and even encourage all Articles, being the Growth and Produce of the Countries bordering upon Canada, to be brought into the said Province in exchange for British Merchandize and Manufactures, and to be Exported from thence down the River St. Lawrence, in British Ships to those parts of Europe or America where the Produce of Canada of the same sort may be legally carried. But when this Subject was before the Committee on the 13th July 1787 The Lords entertained a doubt, whether Goods, so brought into Canada from the neighbouring Countries, could be lawfully imported from thence into the British Dominions; They consulted therefore His Majesty's Attorney and Solicitor General on this Point, whose Report has not been received till lately, stating that there is no Law which makes any distinction in this respect between Goods, the Growth and Produce of those Parts of America which belong to Foreign States and those belonging to the Crown of Great Britain, provided they are brought from the Ports of a British Colony, Plantation or Territory in America, in British Ships navigated according to Law.

It is the opinion of the Committee that such Intercourse would tend very much to promote the Sale of British Manufactures, and to increase the general Commerce and Navigation of this Country and the Committee still think that no Restrictions should be imposed on this Intercourse,

visions, and whatsoever else is of the Growth of the said States. And he also authorized and permitted the free Exportation from the province of Canada into the said States, of any Articles of the Growth, Produce or Manufacture of the said province, or of any other the Dominions of Great Britain, Furs and Peltries of any Kind excepted.

And by an Ordinance of the Governor and Legislative Council, dated 30th of the same month, it was enacted, that the Trade and Intercourse between the province of Quebec, and the neighbouring States, or any of them, by the Route of Lake Champlain and Sorell, should be free for the Importation of Leaf Tobacco, Pot and pearl Ashes, if the same be of the Growth and produce of any of the said States, and that they are bona fide intended for Re-exportation from that province to Great Britain.

In the month of April in the year following Lord Dorchester and the Legislative Council of Quebec passed two other Ordinances, comprehending, in their Judgement, every thing that was at that time necessary for regulating the Inland Commercial Intercourse of that province with the Neighbouring States.

In the first of these Ordinances it is enacted That all Goods, Wares, and Merchandizes (Beavers Peltries and Furs excepted) of the Growth and Manufacture or product of that province or of any other of the Dominions of Great Britain, and such as may lawfully be imported into that province by Sea may be exported therefrom by Land or Inland Navigation to any of the neighbouring States, free from Duty Impost or Restraint: And it was also enacted that there be the like freedom of Importation from the said States into that province (if the same be made by the Route or Communication of Lake Champlain and the River Sorel or Richelieu and not otherwise) of certain enumerated articles. It then enumerates the Articles which are the same as those in the before mentioned proclamation and Ordinance, adding thereto Butter, Cheese, and Honey, Fresh Fish, Gold and Silver Coin and Bullion. The Ordinance then prohibits the Importation of Rum, Spirits, and Copper Coin and enacts several severe Regulations to prevent Contraband Trade contrary to the intention of this Ordinance.

The Second of these Ordinances, intituled "for promoting Inland Navigation," begins by a preamble reciting "that the present circumstances do not require that the Transport of Merchandize" and peltries over the Upper Lakes should be carried on solely by vessels "*belonging to His Majesty*", and that the thriving situation of the new Settlements of Loyalists in the Western Country makes it expedient under certain Restrictions to facilitate the Transport of a variety of Articles across those Lakes which will tend to increase the Exports of this province, and consequently to augment its Commerce.

It then enacts that it shall be lawful for all His Majesty's Subjects trading to the Western Country by the way of the Great Lakes who shall have taken out the usual pass conformable to Law, to cause such their Effects and Merchandize or [as?] shall be specified in the said pass, to be water borne in any Kind of vessel under the Burthen of Ninety Tons,

at first no other appellation than that of Green Mountain Boys. But in December 1777 They assumed the Title of the State of Vermont and considering themselves as Independent, established a Form of Government ; and from that time they have continued in the exercise of all the Legislative and Executive powers belonging to an Independent State— In March 1787 a Bill passed the House of Assembly of the State of New York, declaring Vermont to be a separate Independent State ; but this Bill was rejected by the Senate of New York, because there was no provision made in it for securing to some of the Inhabitants of the State of New York, certain Lands claimed by them and which has [had ?] formerly been granted to them, while that State made a part of the British Dominions. In a subsequent Session the Legislature of New York appointed Commissioners on the part of Vermont in order to settle the Points in dispute. The event of this Conference is not yet known ; but whatever it may be, it will probably decide the opinion of the Legislature of New York concerning the Indepen[den]ce of Vermont. But there is reason to believe that the Congress lately established, will soon take this business into Consideration. Vermont has already between 70 and 80,000 Inhabitants, which is a greater number than belong to several States which now make a part of the American Confederacy. The Eastern States will be desirous from political Motives that Vermont should become a Member of the federal Government. They will wish to retain Vermont as a Frontier for their Security and there is ground to suppose that they are on that account apprehensive of its becoming connected and forming an alliance with the British Government. There is another Circumstance which inclines the Eastern States to wish that the State of Vermont should be acknowledged as Independent and made a Member of the Union.

The Settlement of Kentuck,¹ which consists of about as many Inhabitants as that of Vermont, and which at present makes a part of the State of Virginia, has applied both to the Legislature of Virginia and to Congress to be acknowledged as an Independent State, and to have a voice in the Federal Government. The State of Virginia who find their present Connection with Kentuck to be both Expensive and inconvenient are inclined to the proposed Separation, and many of the Members of Congress have shown a Disposition to acknowledge the Independence of the people of Kentuck and to admit them into the Union, but the Eastern States are not disposed to consent unless the State of Vermont be at the same time admitted as they apprehend that the influence of the Southern States in Congress will become too powerful by the accession of Kentuck unless it is counterbalanced by the addition of a new Member connected in Interest with the Eastern States. From Information received it is probable that this point was brought into Discussion during the Second Session of Congress which commenced in January last.

¹ The spelling is doubtful, perhaps it should read Kentucte here and following.

foot of them into the Atlantic. It is clear that even the People of Vermont, who are more conveniently situated for a Commercial Intercourse with the United States, find that such Intercourse by Land-Carriage is by no means so practicable, or likely to be so profitable to them, as a direct Trade with Canada, carried on by means of Lake Champlain, and from thence into the River St Lawrence. It is certain therefore that the various Settlements that are now forming in the interior Parts of the American Continent, will wish to open a Communication with Foreign Nations, either by passing the great Lakes and from thence into the River St Lawrence, or by descending through the various Rivers, that run into the Mississippi, and by following the Course of that River into the Ocean. There appears to be no other practicable Channels by which these Settlers can carry on the sort of Commerce in which they will necessarily be engaged, and there are Circumstances which make it probable, that the Passage over the great Lakes and by the River St Lawrence will be found of the Two to be much the most convenient. It will be fortunate for Great Britain if this Channel continues exclusively under her Command; for the Commerce, so carried on, will be attended with this singular advantage that the Ships employed in it must belong wholly to the subjects of the British Empire. It appears from Information lately received that the People of Kentuck are desirous of forcing their way down the River Mississippi to the Ocean. They have already applied to the Congress of the United States for obtaining through their Influence with the Court of Spain, a free Navigation on that River. They found their claim to it upon the Right naturally resulting from the possession of the Countries bordering on the Rivers flowing into the Mississippi; and they alledge that by the Treaty of Peace of 1763, between England France and Spain, the free Navigation of the River Mississippi was secured to England and was exercised till the Peace of 1783, and that, by the Treaty then made with America, England ceded to the United States the free Navigation of that River.

The Spaniards are very jealous of any Communication which the Americans may wish to have, by means of the River Mississippi, either with the Indians, or any other Persons settled in the interior Countries of America. To prevent such Communication they now employ British Agents, Subjects of His Majesty and attached to the British Interests to manage the Indians in the Southern Parts of this Continent and to supply them with British Manufactures which are sent out annually from Great Britain by Vessels under the protection of Passes given by the Spanish Ambassador residing in London; And these Manufactures are paid for by great Quantities of Deer Skins and some other Peltry, permitted to be exported from Spanish Ports in British Ships directly to Great Britain. There is every reason also to believe, that a very lucrative Commerce is now carried on from the Port of Providence in the Bahamas and from the Free Ports in the Island of Jamaica to the Spanish Ports in the two Floridas which is at least connived at by the Spanish Government in order to prevent the People of the United States from

readily acquiesce in his downfall as is generally supposed. Heath states that he declared himself unwilling to "have a drop of blood shed for the preservation" of his greatness, which was "a burden" to him (Chronicle, 744). While it is not improbable that he made these assertions, it is plain from these letters that he soon changed his mind, as indeed, was commonly believed at the time. Barwick writing Hyde on May 2d remarks that "they say he much repents of what is past." (Thurloe, VII. 666.) It is equally plain that Guizot was mistaken in asserting that "Richard allowed more than a month to pass before he wrote to his brother or sent him any directions." (Guizot, I. 143.)

The letters here printed are written in cipher (deciphered) and are neither dated nor signed. The events mentioned, however, assign the first letter almost certainly to the 12th of May, and the second to the 17th of the same month. They are misplaced as they stand in the collection. It is possible that they were not received by Henry Cromwell, for he complains in a letter written to his brother on the 23d that he has heard nothing from him "for some time before the last parliament was dissolved." (Thurloe, VII. 674.)

RALPH C. H. CATTERALL.

I. (FOLIO 154).

I shall not say in how sad a condition I and owre famuly, nay the nations are in for it is better for me to throwe myselfe in the dust and crye before the Lord, my sins hath brought what is come to pase upon us but truly it is as low as men can make it and the flourishing bough of it at spring is weathered I shall let my deportement be made knowne by my Bro¹ and Petty² the first beinge a spectator to my carriadge at the time the par sat I can assure you I stooode not so highe as my father did yet I thought it was fitting I should keep the grounde of a good conscience wch I have done hetherto though it be for my present ruen and famuly for I could not have beleved that religion relation and selfe interest wold have deceived me sense Petty departure whoe was fuly instructed the same for Scotland at the same time being sent for youre better correspondency the rumpe of the parl hath met³ whoe are about sixty and are very violent upon him that is gone as wel flyinge high upon those that are living there is a commite of safety apointed who sits at Wallingford Howse the names of them are Fl⁴ Des⁵ Vane Hasselrige Ludlow Lambert and others⁶ they are propounding to the parl five generals that

¹ Lord Broghill. He left London April 29, 1659. Thurloe, VII. 665.

² Dr. Petty, afterwards the celebrated Sir William Petty.

³ May 7.

⁴ Fleetwood.

⁵ Desborough.

⁶ Appointed May 7 (C. J., VIII. 646) but did not include Lambert and Desborough until the 9th. (*Ibid.*)

my hope I wish he had been more when in prosperity but as to the ey of men I was not wanton they have nothing to say though I am in the duste with my mouthe as to god I shall not direct you to your owne counceles being only able to offer you matter of fact wch would be too tedious and supitious to relate it in paper and therefore I have as farre as I can instructed doctor King whoe hath seen things and understood more by his generall converse than myselfe Pray have a care whoe you trust the world is false And for myselfe those that were my father's freinds *pretended ones* only were myne it required time to acquaint myselfe with them and they tripped up my heeles before I knew them for though they were relations yet they forsooke me I knowe Ffid and Desb regards not ruen soe that they may have there ends they are pittiful creatures god will avenge innocency I have acquainted this bearer with Mounkes letter¹ in answer to what I sent him wch was the same I sent to you it is a poore one ; and without Bro can retriue and the fleete stand stenche there is noe hopes as to my busines greate severities are put upon me and I expect the greatest this afternoone I looke for comittee to come unto me, with yesterdays votes² this bearer shal alsoe be acquainted wth them thes men intend nothing lese then ruen to us boeth yet let me not provocke youre judgement I knowe not more to say, but to let you know the great men doe not agre and that the army is in greate disorder the horse and foote the one for his penny a day the other for his thrippence a day besides honest men throwne out only because they were protectorians David's case was very heard let us rely upon the god of our ffather. and it wil be as much o' hon' to know how to. I shall desire the Lord to be y^r helpe in all y^r streight, and difficultyes with myne, and my wyfes true respects I rest

I would faine knowe what Bro says in this oure case pray have a familiar kindnes to him.

3. *A Letter of Marquis de La Fayette, 1781.*

THE following letter has been kindly sent by Dr. Frederick Tuckerman of Amherst, Massachusetts. The original is in the possession of Mr. Marvin M. Taylor of Worcester, Massachusetts, whose wife was a lineal descendant of Dr. Samuel Cooper, to whom the letter was written. A short sketch of the life of Dr. Cooper will be found in Vol. VI. of the REVIEW, pp. 301-303.

CAMP NEW YORK Virginia 26th October, 1781.

My Dear Friend

The Glorious, and important success, we have obtained will afford joy to every true American, and I heartily congratulate you upon an event, that has such an immense influence in our Affairs—Nothing but the great distance I was from you has prevented my writing more fre-

¹ See the previous letter, where Richard declares that he has not yet heard from Monk.

² Committee appointed May 16th (*C. J.*, VII. 655). Pickering and St. John reported May 25, presenting Richard's abdication, which had been signed some time earlier (*Ibid.*, 654). The votes referred to were probably those of the 16th.

My present wish (*entre Nous*) is to go round with the fleet to the Southward—how far I will be able to effect this purpose is not yet determined, at all events I will be in Philadelphia in the course of the Winter—and should the Armies remain quiet should Congress think I may serve them in Europe, I shall be happy to cross, and recross the Atlantic in the space of a few months provided I see my going there may be materialy serviceable—that is, my dear Sir, the present plan I have in view, and whatever may be the wishes of Congress, nothing on my part will be neglected to render them my services. At all events I shall endeavor to pay a visit to my Friends in Boston—the attachment, and partiality I feel for that Capital can not be sufficiently expressed—I set such a value by the esteem of your Countrymen that it will ever animate me under every difficulty I may encounter, their reception on my return from France, and the many favors I have received from the people at large, and from individuals in particular, shall ever be precious to my heart.

Mr. Cooper is returning to Boston, and hopes to be exchanged. I am very desirous to see every particular respecting Halifax Newfoundland and Penobscot—I request you will take some pains on this head—and send the accounts to me at Philadelphia under cover of the Massachusetts Delegates. It is very well worth sending an express on purpose and I would wish to know what Expedition you think might (for next campaign) become most agreeable to your State—

Present my best compliments to the Govenor and his Lady, Mr. Baudouin Mr. Cushing and all our friends—remember me most affectionately to your family and believe me

Yours for ever

LAFAYETTE.

4. A Letter of Alexander H. Stephens, 1854.

THE original of the following letter is the property of Miss Martha Reid Robinson of Chicago. It was written to her grandfather, Colonel Robert Sims Burch, who studied law with Mr. Stephens, and was afterwards for some time in partnership with him in Crawfordville, Georgia. At the time when the letter was written, Colonel Burch lived in Marietta, Georgia.

J. F. J.

WASHINGTON D C

15th June 1854

Dear Bob

Your letter of the 12th Inst was received this morning. I was at home last week, and last Sunday was a week I spent at Atlanta. I thought of you often on that day and if I had been right sure of your being at home I should have spent the day with you instead of spending it where I did. But I feared I might have my ride up to Marietta only to meet with a disappointment and as it was I made out luckily to pass the day most

is as pleasing and as joyous as it is for the Storm tossed mariner to gaze in delight upon the bow of promise arching in its gorgeous brilliancy the blackened elements of the tempest cloud as it passes over with its fury spent leaving him with rudder safe, masts erect and sails untattered and untorn to bear him still onward to his destined Haven. This contemplation is the more particularly gratifying to me for some reasons you will allow me to mention. In the first place duty as I understood it required me on several occasions to assume positions not only against the prevailing opinions in our section of the country upon the issues presented while this contest or slavery controversy was raging but against the judgment of some of my best friends. This was very painful to me. But I looked alone to the future for my vindication. I knew I was then misunderstood but I felt an inward assurance that *time* would bring all things right. That future to which I looked has come. That time which I trusted has done its work. And when the signal guns upon Capitol Hill proclaimed the final passing of the Nebraska Bill I felt that the cup of my ambition was full. And to be a little more specific in the reasons to which I have alluded I will state what you may well recollect.

Ten years ago, the first Session of Congress after I took my seat the Texas question was started. The subject was brought forward by Mr. Tyler under the guidance of Mr. Calhoun secretary of state in the form of a treaty with Texas. That treaty stipulated for the *cession of Texas* as a *territory* of the United States to be held as the other *territories* of the General Government and without any *guaranty* or *security* against the exclusion of Slavery therein by Congress. It also provided for the payment of the debts of Texas to which I was opposed. But the main point with me was the absence of any *provision settling the Slavery question* to which the measure gave rise. On this ground I opposed it. It was with me a controlling point. Because at the North *Annexation* was *zealously* espoused by those who openly declared their intention of making it *free* territory or in other words of excluding the Southern people from carrying their slaves there, this *ground* of opposition on my part was asserted throughout the state to be nothing but a *pretext*. I was charged with being opposed to the acquisition. And it was in vain that every where I declared myself in favour of the acquisition upon such terms as would give the South security. It was again and again asserted that I was demanding what I knew could never be obtained. I insisted that we should accept no terms of annexation that did not *secure* in the bonds of union the right of all states that might be formed out of the territory South of 36.30 the line established in 1820 to come into the Union with Slavery if they saw fit. This it was said was equivalent to open *hostility* to annexation and I was accordingly charged with being an enemy to Texas annexation. This to me was *painful*. For there was not a man perhaps in Georgia more in favour of annexation upon safe terms than myself. This was the first great sectional struggle after I came to Congress. I *maintained* my position. I withstood the assaults upon my motives and patriotism. And to my gratification then I succeeded with

acquired. And the Bill further provided that neither Congress or the people of the territories should ever pass any law either establishing or prohibiting slavery therein. The *status* of the country was to remain *forever* as it was at the time of the acquisition upon the subject of slavery except in so far as the Constitution by itself without any exercise of the legislative power under it had changed or altered it. This was the Clayton Compromise. The whole South nearly hailed it as a *triumph*. I looked upon it as worse than the "*Wilmot Proviso*." For if the Wilmot Proviso was *unconstitutional* as was held generally by the advocates of this Bill the Supreme Court would so hold anyhow. So no harm could come of that if our rights were in any event to be left to them in the last resort. But in case the Supreme Court decided as I had no doubt they would that the Constitution by itself neither established or abolished slavery anywhere that it simply protected and guaranteed its enjoyment in all parts of the Union, territories as well as States where it was not *prohibited* by the law of the place—I say in case the Supreme Court so held then by the terms of this Clayton Compromise the power or right to change the *status* of the Country or the law of the place in this particular was denied by an express clause both to Congress and the people of the territories. It was this Bill you know I was so bitterly denounced for defeating. On my motion it was laid on the table in the House after it was passed by the Senate. I was called a *traitor* an Arnold etc. I was asked if I had any hopes of ever getting a better Compromise even by friends who did not like it very well themselves. I stood this and a great deal more but not without the shedding of some blood. I stood it all nevertheless however looking to that future of which I have just spoken. Time rolled on—

"Men change with fortune, manners change with climes,
Tenets with books and *principles with times*."

My justification came sooner than I expected. For in little over two years I lived to hear men demanding a repeal of the Mexican anti-slavery law, which they had denounced me as a traitor for saying existed! But this is not all. The question was again up in Congress. The strife raged hotter and fiercer than ever. I was willing to divide the country on the line of 36.30, the same which was fixed on the acquisition of Texas, with a recognition of our rights south of that line. This the North would not grant and a majority of the South also opposed upon *constitutional grounds*. I need go no further into detail. Suffice it to say that if the South had then stood by me we should have got a clear and unequivocal repeal of the Anti Slavery law existing in the territories at the time of the acquisition. But as it was we got the guaranty that the people when they come to form state Constitutions should come into the Union either with or without slavery as they may determine for themselves. This guaranty was not confined or limited to territories South of 36.30 but up to the 42d North latitude. We got the right secured to the people of the territories of Utah and New Mexico to change the anti

largest amount of patronage for their friends went against it. Marcy I have no doubt was hostile to the bill. Mr. Pierce is also for Cuba. But Marcy is not. And I fear that the South will be "gulled" by him on that question. As for myself I am for Cuba, and I think if our citizens see fit to go and rescue the Island from Spanish misrule and English abolition policy they ought not to be *punished* by us for so doing. In other words I am for repealing our laws which make it a misdemeanor and punishable to take part in such a struggle as it is believed will take place there between the planters and the Govmt before the legislative decree goes into effect in August next. If the people then resist I am for aiding them. It will be another St. Domingo struggle and any American in my opinion should feel a sympathy for his own race. I am against Cuba's becoming a *negroe state*. But again enough. Excuse my haste. I have but a few moments to scribble you these lines. I hope to see you before many months and talk over these things. But I must repeat once more that my strong desire is to get out of this bustle and retire to the quiet and repose of my own sequestered home and leave the world to take [care] of itself.

My best respects to Mrs. Burch and kind regards to all the family.

Yours most sincerely

ALEXANDER H STEPHENS

Robert S. Burch, Esq
Marietta
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Thus we read on page 210, in support of the statement that some modern writers have underestimated the size of Xerxes's army: "*E. g.* Delbrück attributes to Xerxes an army of from 65,000 to 75,000 combatants." Now this is a question of fundamental importance and, whether Delbrück's estimate be right or wrong, the very remarkable chain of argument by which he led up to it, deserves consideration. Mr. Grundy writes as if he had never read it and although he admits that the figures given by Herodotus are impossible, yet he concludes solely from the extent of the Persian Empire and from the Oriental reliance upon numbers that 500,000 should be regarded as the minimum figure for the troops employed on land. How such a force, with at least an equal number of non-combatants could be maintained in Greece, how it could be manipulated on the battle-field, or how such an overwhelming predominance of numbers on one side can be reconciled with the actual conduct of the war, he omits to explain in the course of the few sentences with which the whole matter is dismissed.

His survey of Thermopylæ and his examination of the strait of Salamis were not made until the summer of 1899. In November of the same year, in ample time for him to use it, appeared the second volume of Eduard Meyer's *Forschungen zur alten Geschichte*. However difficult it may have been for him at that advanced stage to adopt a truly critical attitude towards Herodotus, for whom indeed he claims extraordinary accuracy in the statement of facts, he might at least have learned from Meyer not to credit the legend that the Greek fleet on the eve of Salamis was in a state of panic nor to repeat the charge that Leonidas was sacrificed by the failure of his government to reinforce him. According to Meyer's view, the force under Leonidas was large enough to hold the pass until the Greek fleet at Artemisium should engage the Persian ships, and no force that Sparta could furnish could have done more. The hesitation of the fleet to risk a decisive battle made the position on land untenable.

Delbrück and Meyer agree in urging on general principles that such a position as that at Thermopylæ can always be turned sooner or later. Both mention the road from Malis into Doris as a possible route by which the turning movement might have been made. In controverting Delbrück's statement of the case, Mr. Grundy adduces real grounds against the assumption that this road existed in ancient times but fails entirely to meet the main point,—the force of which, for instance, the Mexicans at Cerro Gordo and the Confederates at Rich Mountain found out to their cost. He emphasizes the connection between the Greek positions at Artemisium and Thermopylæ, ascribing to them, however, co-ordinate importance, but he ignores Bury's article in the *Annual of the British School at Athens* for 1895-1896 to which Meyer, in discussing the same question, has acknowledged his indebtedness. It is curious to note further that, while acknowledgment is made of another article of Bury's—year and volume not given (p. 389)—the explanation of the Scythian expedition suggested by the same scholar in the *Classical Review* for

tion ; of the second no mention whatever is made in the preface, and none in the main text of the work. Less than a dozen references to him in the foot-notes are without exception controversial and even deprecatory, though neither in this nor in any other case is the author's controversial procedure virulent or undignified. With Hogarth's recent book the author shows a slight acquaintance, and honors it with a somewhat disdainful reference.

The main tendencies of the work are perfectly clear. Toward our tradition of the histories of Philip and Alexander of Macedon, the author takes a distinctly conservative position, and the kernel of historical truth within the husk of romantic accretion is, as a rule, carefully sought. There is refreshingly little of the arbitrary subjective pronunciamiento so prevalent in much recent work on ancient history among the Germans. Toward the personalities of Philip and Alexander the attitude is consistently favorable, not to say apologetic, and yet admiration and praise are never allowed to escape the most perfect control. Dignity even to heaviness characterizes the whole work ; plan and method are noble and sedate. Military details and attractive anecdotes obscure in wonderfully slight degree the main political thread of the argument. Alexander's siege of Tyre is disposed of in less than two pages ; his capture of the Aornos fastness in a brief sentence, and as a result of this self-control, the conception of the Greek *Polis*, with which the volume opens, is given a truly artistic contrast to that of Alexander's world-swaying personality, with which the volume closes.

The Battle of Chæroneia decided the claims of city-state and monarchical supremacy to the leadership of Hellas. The Athenian city-state, during its leadership, had slowly lost sight of the national, Pan-Hellenic idea, in attempting to satisfy the local and social demands of its sovereign democracy. Sparta and Thebes, during their leaderships, had been unable to triumph over city-state exclusiveness and achieve a general Pan-Hellenic symmachy. Persia had become the chief power in Hellas. Meanwhile, in spiritual, economical and political life, the technical superiority of the gifted individual was seeking and obtaining scope for itself. The Socratic doctrine of "knowledge" favored the conception and realization of a technically skilled bureaucracy and a technically qualified individual leader of the state. The Macedonian monarchy, as developed by Philip II., and as enlarged by Alexander, furnished both individual leader and trained bureaucracy. Philip II. won for this political system the leadership of Hellas.

The Macedonians were a distinct folk from the Hellenes, but nearly related to them, more nearly than any of their neighbors were, or than they were to any of their neighbors. The royal line were of genuine Macedonian stock. Their pure Hellenic origin was a political fiction of great influence in the Hellenizing process which had been under way long before Philip II., but which was not complete till the time of Perseus. The Macedonian monarchy, with its elastic principles of folk and territorial unity, contrasts fully with the city-state's separation and

apology for the deaths of Parmenio, Kleitos and Kallisthenes. The heritage of policy from Philip was ruthlessly discarded by Alexander during the very struggles in the heart of Iran (329-327 B. C.) whose success best attests the consummate wisdom and workmanship of Philip. The Macedonian folk-army won their victories only to lose their national monarchy. But Alexander had not deteriorated with his enormous successes—the popular error; he had risen to and adopted a world-policy which demanded the creation by assimilation of a world-folk.

The Indian expedition, long contemplated and prepared, was part of this world-policy, not merely the completion of a task left incomplete by Persia. And it was the physical and moral exhaustion of his new, conglomerate army, not rebellion against his world-policy, which stayed Alexander's progress eastward. He returned to establish a world-capital, to complete and organize his world-empire and above all to make the ocean his vassal and minister. Divine honors for the central and dominating personality in this world-empire were part of his policy, and no confines to that empire except those of the world itself were allowed. Macedonia and Hellas alike were politically sacrificed to this culminating vision of the greatest wielder of the destinies of the ancient world.

Such are the leading thoughts and tendencies of this able book. Following the lead of a seductive political philosophy, and ignoring the exaggerations of romantic tradition, it sets both Philip and Alexander on higher pedestals in the hall of fame than romantic tradition ever claimed for them.

B. PERRIN.

The Ancient Catholic Church, from the Accession of Trajan to the Fourth General Council (A. D. 98-451). By ROBERT RAINY, D.D., Principal of New College, Edinburgh. [The International Theological Library.] (New York: Charles Scribner's Sons. 1902. Pp. xii, 539.)

THE editors of the "International Theological Library" have entrusted two volumes of the church history in their series to the venerable Dr. Rainy, of Edinburgh, his subject being Catholicism. The first of these lies before us. It comes down to the council of Chalcedon, A. D. 451. The second volume will cover the period of later catholicism, by which the author understands the history of the Church to Gregory I., or perhaps to Charlemagne, although his plan is to carry the narrative over two or three centuries more,—a "transition period,"—to Hildebrand. We may assume, no doubt, that in the present volume we have the facts which forty years' experience in teaching church history have convinced Dr. Rainy are most important for students of this period to know.

The book is divided into three parts: (1) to the close of the reign of Marcus Aurelius, (2) to the toleration edict of 313, (3) to the Fourth Council. The reasonableness of the first of these epochs is less obvious than that of the second. Why should a church historian select "the accession of Trajan," or of any other emperor to mark a turning point in

but in another we are more accurately informed (p. 283). Rufinus's Latin versions of Origen's works are euphemistically called "translations" (p. 501). It is unfair to Cyprian, if to no others, to assert that all which was greatest in Christian literature down to the year 313 had been written before the year 230 (p. 157). There is carelessness in citing titles: e. g., Irenæus is credited with having written a "*Refutatio*" (p. 112), and Tertullian's work *De testimonio animæ* has received the gratuitous addition of "naturaliter christianæ" (p. 187).

We have noted the following typographical errors: P. 3, for Neumann's "*Römische Staat*" read *Römischer Staat*. P. 51 (twice) for "Funck" read Funk. P. 157, for Celsus's *Ἀληθὺς Λόγος* read *Ἀληθὺς Λόγος*. P. 161, for Origen's *Περὶ Ἀρχῶν* read *Περὶ Ἀρχῶν*. P. 118, for metaphysical "identities" read entities.

The attempts at bibliography form the worst feature of the book. Very few of them are up to date. At the head of each chapter references to the literature are meager, and resort is had to the inconvenient device of a bibliographical appendix (added at the instigation of the editors?), which is also very unsatisfactory. Chapter XIX., on "The Clergy," refers to only two authorities; one is Bingham, the other still older. For information on "Objects of Worship" (p. 451) we are referred to nothing more recent than 1755! But it is only fair to Dr. Rainy to add that his own history is much more up to date than his literary references.

This book illustrates the disadvantages which inhere in the production of a "series." Drs. Briggs and Salmond started out to give the world a modern and scholarly theological library. But it appears to have been impossible to secure uniform merit in all parts of the series. It would have been a notable achievement indeed if all the volumes could have reached the high level of Driver's *Introduction to the Literature of the Old Testament*, or McGiffert's *History of Christianity in the Apostolic Age*.

JOHN WINTHROP PLATNER.

Life and Letters in the Fourth Century. By TERROT REAVELEY GLOVER, M.A. (Cambridge: The University Press; New York: The Macmillan Co. 1901. Pp. xvi, 398.)

BOOKS like this go far toward withstanding the anti-classical tendency of modern education. It is an encouraging sign of the power which Greek and Roman culture still possess that we should have Comparetti's great work, and that it should be followed by such books as Dill's *Roman Society*, Taylor's *Classical Heritage of the Middle Ages*, and the work before us,—to mention no others. To be sure, none of these books deals directly with the classical period. Yet through the history and literature of the early Middle Ages through knowledge of its social life, and through observation of the working even of the decadent classical spirit, we may learn to seek the fountain-head, whence these streams flowed. So we are grateful to Professor Glover, and the rest, for their leadership

fine metrical translation of Prudentius's description of heaven and hell (p. 259), which shows him to be possessed of no mean literary gifts. On the whole the book is to be distinctly commended.

JOHN WINTHROP PLATNER.

Kulturgeschichte der Neuzeit. Vergleichende Entwicklungs-geschichte der führenden Völker Europas und ihres sozialen und geistigen Lebens. Von KURT BREYSIG. Zweiter Band. Alterthum und Mittelalter als Vorstufen der Neuzeit. Zweiter Hälfte. (Berlin: Georg Bondi. 1902. Pp. xxxix, 519-1443.)

A BOOK with the title of *Kulturgeschichte* comes ill-recommended to American readers. The German word *Kulturgeschichte* is about equivalent to kaleidoscope. A book appears with a number of interesting facts arranged in the frame of some theory, the next book shows the same facts broken up in new combinations; the pictures are brilliant, the books are easy reading, but the increase of knowledge with the turn of the kaleidoscope is desperately small. There are honorable exceptions to this, Lippert's book, for instance, and among the exceptions the present volume by Breysig will take its place. The author is known already to the stricter class of historians by his work on the history of Brandenburg. While he has devoted to the history of the Brandenburg finances and estates the painstaking care in investigation and the sober exposition which those subjects demanded he has taken the opportunity in his lectures at the University of Berlin to develop his gift for generalization in the line of sociology and the philosophy of history, and he presents in this essay the product of a combination of philosopher and historian. It is proper and necessary, as he has said elsewhere, for historians to pause sometimes in their accumulation of details, and to take stock in general terms of the advances that they have made; he has set himself to this task in the present work, of which the first volume appeared in 1900, and which will require a number of volumes yet for its completion.

The volume under review, covering the Middle Ages to the thirteenth century falls into two parts, of which the first is devoted to the rise of Christianity. This topic, more important, as Breysig says, than all others in the spiritual development of mankind, has already been worked up so thoroughly that he has wisely restricted his treatment of it to less than two hundred pages. In that compass he describes, in a rationalistic but thoroughly sympathetic tone, the development of the Christian dogma and the Church, and gives an appreciation of the significance of Christianity to civilization. Breysig treats the religion almost entirely from the standpoint of social, not personal, humanity, and from that standpoint finds the effect of Christ's teachings to have been, in briefest terms, an elevation of the individual, but the repression of personality (p. 602). "Jesus' Religion war aller geistigen, politischen und materiellen Kultur abgeneigt" (p. 587).

ripe, however, for such a work, and the work is worthy of the time; students of constitutional history will find no book more helpful in stimulating them to broader views. A feature which will increase its usefulness is a very full table of contents.

CLIVE DAY.

The Early History of Venice. From the Foundation to the Conquest of Constantinople, A. D. 1204. By F. C. HODGSON. (London: George Allen. 1901. Pp. xx, 473.)

MR. HODGSON'S volume aims at presenting the history of Venice on a scale larger than that employed by Mr. Horatio F. Brown, and smaller than Mr. W. C. Hazlitt's. A comparison of his work with theirs shows that it fills a field which theirs do not, and has, accordingly, a sufficient reason for being. Mr. Brown's plan precluded elaboration. Mr. Hazlitt is elaborate even to diffuseness, and in spite of all his immense knowledge of Venetian history and life, this diffuseness, coupled with a ponderous style, becomes at times wearisome. Mr. Hodgson, on the other hand, devotes much space to a critical analysis of his material without wholly exhausting the reader's patience. At his best, he is never so vivid as Mr. Hazlitt's best passages but his average is more satisfactory.

Mr. Hodgson differs from both Mr. Brown and Mr. Hazlitt in having made larger use than they of recent German material, and perhaps it is on this account that he inclines to accept their interpretation of some of the moot questions in early Venetian history. Chief among these questions is the determining of the exact relations of Venice to Byzantium during the first four centuries of the Republic's existence. Venetian historians have minimized the dependence; Mr. Hodgson, in common with Gfrörer, and, it should be added, with many earlier writers, seems to regard the dependence as so pressing that we must suppose that the early doges were Byzantine officers. The advocates of this view lay much stress on the facts that several of the doges held the title "*Hypatos*" from the Eastern Emperor, and that "*Magister Militum*" was "the title of a high functionary in the Byzantine Empire," as well as in Venice in the eighth century. But in the absence of final proof, which has not yet been produced, I believe that the other view is preferable. The key to Venetian history down to the twelfth century is the adroitness with which the statesmen of the Lagoons steered their safe course between the Western Empire and the Eastern, always siding, in case of danger, with the more remote. That the Byzantine influence was great, cannot be disputed, but it never, so far as I recall, took the form of political dictation. If Venice had actually been a Byzantine dependency, it is incredible that from 460 to 1160 we should have no record of an attempt to set up imperial governors, or to exert active imperial authority in the Venetian community. Titles, of themselves, prove little, and it is certain that the Venetians rendered lip-service to the Frankish emperors as compliantly as to the Greek: they rendered lip-service, and then went on their own political road undisturbed.

acquaintance with German historical resources and a profound sympathy with German ways of thought, who, in a word, has been admitted into the German house upon an intimate footing, it would be curious, I say, if the confirmed habits and established environment of such a man did not proclaim themselves in the lineaments of his work. But I hasten to add that the pragmatic method and the general German derivation of these volumes imply no surrender of his racial personality on the author's part. If the pragmatic note is largely the consequence of the too exclusive ideal of correctness, and if this ideal may, in summary terms, be declared to be the goal of German *Wissenschaft*, it must be granted on the other hand that Mr. Henderson has not forgotten that the literary or humanistic ideal, for which Green, for example, in his above-mentioned letters contends, has still a strong hold upon the cultured world, and in a book like this, intended not merely for university consumption, must imperatively be represented. The solid and scientific character of the book will be found to be preserved from anything like the heaviness, which is associated with so many otherwise excellent German works, by a certain mental vivacity, which never flags and which gives to each paragraph an inner sparkle and to the whole story something at least of its necessary epic movement.

It is not apparent why a work, embracing two very stout volumes, should be denominated a "Short History," except to convey the obvious information that there have been omissions, and to afford the author a shelter against criticisms on that score. It hardly seems necessary for Mr. Henderson to have adopted that device, but his having done so brings before us that he must have been considerably troubled about the question of what material he would introduce within his given frame, embarrassed as he was by a wilderness of riches. And this question, which is a question of proportions, is indeed in every general work an all-important one. The author solved it finally by conceiving of the history of Germany as a stream, which swells by constant and regular stages to a mighty river, and becomes important in measure as it approaches its mouth. In consequence, to the whole medieval period is devoted no more than about one half of the first volume, while the second volume is to all intents and purposes a history of Prussia in the eighteenth and nineteenth centuries. Obviously this theory and its results are open to criticism, but it must be acknowledged that the author has kept his prime conception consistently before him and carried through its application with much skill. Still, whether owing to this preconceived plan or not, there are omissions which leave a keen regret, and with all due respect to the author's freedom to define his own task, cannot easily be justified. I do not of course speak of the hundreds of details about which every one has his own notions and preferences, and regards as petty or essential according to his philosophy and temperament; I refer to the very slight treatment which the author accords the matter of German civilization—to *Kulturgeschichte*, and to the oblivion or at least neglect, to which he condemns the constitutional history of the country. Thus though the

The French People. By ARTHUR HASSALL. [The Great Peoples Series.] (New York: D. Appleton and Co. 1901. Pp. xii, 400.)

THE history of the French, according to the main argument of this book, is the history of centralization in government. Though composed of race elements which were somewhat discordant, divided into separate states for many centuries, and into hostile creeds for generations more, the people of France have steadily worked toward a compact union under strong rulers. This goal was at first reached under a monarchy, and the nation attained its harmonious development under Louis XIV. But the incapacity of the royal financiers, and the unjust levies of taxes paved the way for the French Revolution. Napoleon brought order out of confusion, established equality of citizenship before the state treasury, and founded an administration, which has survived the political disturbances of a hundred years, and which seems destined to last. The growth of the trades classes and artisans, and the influence of the Church were also important factors in bringing about royal supremacy. Territorial feudalism had practically disappeared by the thirteenth century, but was soon replaced by the feudalism of appanage. Agincourt, with its slaughter of nobles, and Joan of Arc, with her appeal to patriotism, saved the King, and Louis XI. made his position secure. Freed from danger at home, with a united nation behind it, the royal court turned its attention towards foreign conquests, and with the exception of the generation of the religious wars and the regencies of the seventeenth century, European politics and plans of colonial aggrandizement occupied the thoughts of the French until the advent of Louis XVI. Napoleon inherited a part of this tradition and aimed at a world-empire. Since Waterloo colonization has seemed the more feasible, though the present republic is not at all unmindful of foreign alliances.

The longest chapter (pp. 309-362) is devoted to a history of the foreign relations of France. In spite of the decay of the aristocracy and the alliance of the king and people, "of all European nations, France has been the most willing to sacrifice constitutional progress for military glory" (p. 309). Foreign affairs would also appear to possess unusual interest for the author. At least, this is the only part of his narrative which deals with minutiae, witness the short monograph (pp. 334-354) on the affair of Nootka Sound in 1790.

As the purpose of the book is to show the development of French society in its broader lines, but little attention is paid to current happenings, and dates are few. The pressure of material is so great as to affect the author's style at times, especially in the earlier chapters. These read more like lectures, with repetitions of phrases and a confused presentation. The proof-reading has been hurried and perhaps not done by the writer himself. Notice attached (p. 9), 446 (p. 15), Sancourt (p. 50), the Sorbonne founded in 1202 (p. 99), Henry II. (p. 146) *sacred* (p. 196, sixth line), *prévant* (p. 228), *provincial* government (p.

French flag flew in every city in Germany, was responsible for the new Germanic impulse?

The main purpose of the author's labors, as stated in the introduction is, "to discover some leading thread through the mazes of Florentine history, which even when treated by great writers has often been found exceedingly involved and obscure." The early chroniclers were concerned with human passions and actions, and had little interest in the rise and growth of human institutions. They afford but little aid in determining such important events as the establishment of self-government in Florence. The documents themselves, in so far as they are at hand, are also inconclusive. The persistence of Roman terms over periods of important political change give an apparent similarity to institutions which are in reality widely divergent. The Florentine commune itself gives evidence of being well under way, when its independent character is first established from documentary evidence. This is due, in part at least, to the fact that the birth of the commune was unaccompanied with any great political upheaval. On the death of the Countess Matilda, in 1115, Tuscany was split into fragments by the dispute between Emperor and Pope. The fact that Henry IV. naturally leaned for support on the Germanic nobles of the *contado* threw the city into a position of hostility toward the imperial claims. Standing between the rival powers, too proud and too conscious of her strength to feel the need of subjecting herself to either, Florence found her advantage in independence. This implied no drastic change. The same *grandi*, who, under the mild rule of the Countess, had administered the affairs of the city in her name, continued to rule by the authority of the people, becoming consuls of the commune. In this manner a popular government was achieved with a minimum of change and invention. Popular choice, however, brought about a wider distribution of civic honors, and certain great clans, aggrieved at the loss of the monopoly of power they had enjoyed under the Countess, allied themselves to the imperial interests and brought about a division of the great families into Ghibellines and Guelphs, with the ensuing civil strife which forms the background of Dante's history.

Many other problems of early Florentine history are interestingly treated: the origin and rise of the Podestà; the repeated attempts to perfect the constitution; in Chapter VI. the rise of the wool-dyeing industry, and the subsequent development of weaving. That the Florentines should have been content for so long to import coarse "Frankish" stuffs from the looms of Flanders is due to the unfavorable attitude of the commune toward agriculture. The Italian wool, although extensively manufactured into coarse fabrics for domestic use, was of poor quality. No effort was made to improve the breed of sheep. Indeed, the laws and decrees relating to trade are full of good sense and foresight, while all concerning agriculture seem dictated by prejudice and jealousy. Chapter VII. is a study of the Florentine family in its relation to the state; Chapter VIII. treats of the judicial system; both institutions be-

book to the prospective visitor of Rome is much lessened by the way in which this material is presented, and perhaps has to be presented, the plan of the book remaining what it is. At the end of the account of each pope who left any important impress on Rome's external appearance is given a rather inchoate summary of the changes made throughout the city during his time. The fact that the buildings, streets, and monuments are not classified or grouped in any way, makes it extremely difficult to follow the history of any individual object; one would have to hunt through the whole book for it, and the index only very partially helps in this matter.

As to some minor matters, one feels at the conclusion of the book that many bloody and tragic details and accounts of ceremonial and pageantry might well have been omitted; they repeat themselves from pontificate to pontificate and century to century until one thoroughly tires of them, and there is a conviction that the author is underrating the calibre of his audience in giving them so much of this and so little intelligent interpretation and explanation. Also his very frequent allusions to present-day matters, brought in as if to enliven the subject and in language verging on the slangy or modern newspaper order but having no valid connection with the matter in hand, certainly add nothing to the force and clearness of the book and vitiate any dignity in its style.

A. B. WHITE.

Edward Plantagenet (Edward I.), the English Justinian or the Making of the Common Law. By EDWARD JENKS. (New York and London: G. P. Putnam's Sons. 1902. Pp. xxiv, 360.)

THIS volume sustains the high reputation already gained by the useful "Heroes of the Nations" series. The author apologizes "for the intrusion of a mere lawyer upon a scene so dominated by great historians," because he is unable to "understand how any one but a lawyer can possibly appreciate the true inwardness of Edward's reign." For "the Common Law which came into existence during his lifetime was, and is, the very picture of English national life, the concrete form into which the national spirit crystallizes with the moving centuries." Such an apology, it is to be hoped, will hereafter be unnecessary. Happily it is becoming pretty well recognized that a thorough treatment of institutional history implies a broad knowledge of law; just as an intimate acquaintance with the details of constitutional development is absolutely essential for a scientific study of jurisprudence. Indeed the most original and helpful parts of Mr. Jenks's book are those in which the great statutes of Edward's reign are analyzed and interpreted.

The first three chapters present a rapid but vigorous sketch of European history previous to the year 1250. Of these the first chapter, entitled "The Middle Ages in Europe," deals especially with the origin of feudalism and with the rise, decay, and revival of monastic institutions; the second, with the "Emergence of Modern Europe"; while the third draws a clear picture of "England in the Thirteenth Century," accent-

this. "If the debtor fails to pay, at the appointed time, he may not only be imprisoned, but his chattels and 'burgage' tenements (*i. e.*, lands in the borough) may be sold, without any preliminary proceedings, by the mayor to satisfy the debt, or if there is any difficulty in effecting the sale, the debtor's chattels and *all* his lands may be handed over at a reasonable valuation to the creditor, until, out of the issues, the debt is liquidated." The remedy was effective though radical. Hence, it is pointed out by Mr. Jenks, the institution of entails in the same year must be regarded as a kind of counter concession to the feudal aristocracy, which was rendered of little practical value through the later invention of the collusive action by common recovery.

Lack of space prevents further illustration of the author's discussion of Edward's constructive legislation. It must suffice to say that his book is a well-written and sound contribution to English constitutional history.

GEORGE ELLIOTT HOWARD.

Histoire de France depuis les Origines jusqu'à la Révolution. Par ERNEST LAVISSE. Tome IV. Les Premiers Valois et la Guerre de Cent Ans (1328-1422). Par A. COVILLE. (Paris: Hachette et Cie. 1902. Pp. 448.)

THE political and social transformations of France during the Hundred Years War were so remarkable, the evolution of institutions and ideas so rapid, the relations of France with foreign states so intricate, the military events so far-reaching in effect, that the co-ordination of these various classes of writing has really never been attempted by one historian to any great extent in this particular field. The distinction between classifications is as sharp as that between the constitutional history of England and its political and military history, without such a divorce in the writing thereof being possible in the case of France. The Battle of Poitiers had little effect upon the development of the English Parliament. It exerted an immense influence upon the political, institutional and social history of France.

M. Coville at the first blush seems to have achieved his task admirably. But examination discloses that he has limited himself almost wholly to French sources. The limitation was natural, perhaps even necessary, in view of the immensity of the subject, and would not have jeopardized the general result in almost any other period of French history; but the omission is unfortunate in this case. French and English history become in many ways the obverse and reverse side of the same thing during these centuries; not all the truth, and often not enough of the truth to make the treatment intelligible and just can be derived from one side exclusively.

In common with every French historian, M. Coville exaggerates the importance of Edward III.'s claim to the throne of France and the vexed question of liege homage. The first was not a cause of war at all, but merely a pretext to cover the real reasons of the English; and the question of homage was not a legal quibble merely. Edward was determined

under the Black Prince. The policy of Charles V. was conspicuously able and the achievements of Du Guesclin remarkable. Yet part of the French success must be ascribed to the consummate folly of the Black Prince in the government of the south, and to the lack of efficient commanders among the English after the death of Sir John Chandos (1370), the noblest Englishman of them all; but the Prince's policy is dismissed in two lines and a half and Chandos's death not even mentioned.

After 1380 French history until Agincourt is less dependent upon English sources, and the latter portion of the book is less one-sided. It is strange, though, that when relying upon French sources merely, the French-Scotch alliance of 1383 to check the crusade of the bishop of Norwich in Flanders should fail of mention, the raid of the Scotch being later presented as an independent movement and one not inspired by France. This brevity to the point of sacrifice contrasts with the statement made relative to Philip Van Artevelde that "il avait rempli dans la ville quelques offices importants" (p. 278). The words seem superfluous, even untrue, unless there are Belgian authorities unknown to the eminent editor of Froissart.

When we come to the relations of France with the first Lancastrian King, the failure to use English sources still vexes the reader. A paragraph is devoted to an account of the vain-glorious challenge of the English King by the Duke of Orleans, as if it were of real historic importance. An examination of the first volume of the "Proceedings of the English Privy Council" would have cast a more valuable light upon the relations of the two countries and showed how French gold and guile fomented the Scotch war. A reference to Rymer would have trimmed the smoothness of this sentence: "Malgré tous ces défis, la trêve de vingt-huit ans fut expressément maintenue, confirmée tous les ans;" for as a matter of history, the English council was deliberating a declaration of war (Feb. 9, 1400) when the tardily approved truce (Jan. 29, 1400) was returned from Paris. Peace escaped into the temple of Janus by the narrow margin of eleven days!

The errors, fortunately, seem to be few; three of them (p. 37, 39, note, 58, note) are misprints in the case of English words. On p. 29, the affair of Cadzand happened November 9, 1337, and not in October; the bishop of Lincoln, instead of getting to Paris in 1337, as stated on p. 39, got no farther than Boulogne.

JAMES WESTFALL THOMPSON.

Henry V. The Typical Mediæval Hero. By CHARLES L. KINGSFORD. [Heroes of the Nations Series.] (New York: G. P. Putnam's Sons. 1901. Pp. xxxi, 418.)

THE successive volumes of the "Heroes of the Nations" series keep up to a very satisfactory grade of excellence. There are few if any of its volumes which fall below the standard of good serious historical work. Certainly this biography of Henry V. is no exception to the rule. It is based entirely on original authorities which are used with skill, care and

there is no new light to be obtained on these from the existing material. Certainly the author has neglected none of this, and has not disregarded the problem. These besides were not the real matters of importance in Henry's career. Motives are less important historically than actions; and these Mr. Kingsford has given in a full, interesting and clear narrative. The book can be heartily praised, except that we should like to have seen the author refrain from giving to his subject a fanciful position as "the typical mediæval hero," and ascribe to him his true significance as a firm administrator of the old balanced English constitution of king and three estates, a brilliant leader of the nascent national feeling of England in the war against France, a conscientious king carrying out a clear if not very broad idea of his duty in that office.

E. P. CHEYNEY.

Charles le Téméraire et la Ligue de Constance. Par E. TOUTEY.
(Paris: Hachette. 1902. Pp. 475.)

THE scope of M. Toutey's book is broader than its title. What lies nearest his heart is neither the fortunes of Charles of Burgundy nor those of the League of Constance, but the beginnings, a score of years before the French invasion of Italy, of a European balance of power and of international congresses; and what he has really given us is scarcely less than a diplomatic history of central Europe in the time of Charles the Bold. Yet a diplomatic history only. Of military history, save as incident to diplomacy, one learns little more than of society or institutions, of letters or of art. Even Grandson and Morat are despatched with less than a page apiece, and with a vagueness in striking contrast to the graphic narrative of a Delbrück or a Kirk.

Though it is now nearing two score years since John Foster Kirk gave to the press his *Charles the Bold*, the American's is still the one biography of the great Burgundian; but in the interval a multitude of special studies have thrown light upon one or another episode of his career, and scholars have unearthed not a few documents which escaped the patient search of his biographer. Of this newer literature, as of the older, M. Toutey has made a wide and thorough use attested not less by his text than by the half-dozen pages of his appended bibliography. Reassuring to the English reader is the respect he still shows to the book of Mr. Kirk; yet point of view and results could hardly be more antipodal. Nor can this be charged wholly to the anti-Burgundian sympathies natural to a French scholar; for his facile use of German sources and the excellent temper with which he can discuss an Alsace and Lorraine still imperial, show, on the whole, a rare absence of chauvinism. Nay, when he once slips as to the allegiance of a province, it is to aver (p. 200, note) that "la plus grande partie de la Flandre relevait de l'empire."

Hear, then, his estimate of Charles (p. 70, note):

"It is well known that his contemporaries called him Charles le Hardi until 1472, then Charles le Terrible after his campaign of Nesle, Beauvais, Rouen, and finally Charles le Téméraire in the last years of his life, 'when

In reality the work is an attempt to estimate the influence of Italy upon England along all lines, excepting the diplomatic and political, from the beginning of the fifteenth century to the death of Elizabeth. The justification for this attempt Mr. Einstein finds in the fact that, in spite of detached studies upon various phases of the subject, hitherto "no serious effort has been made to discover a common impulse running through the Italian influences in England: to find at the university, at court, and among the people at large, in different and even in opposite directions, the results of one and the same great movement."

In the development of his theme, the author traces three stages to the movement. The first was the purely scholarly and scientific stage, centering in the University of Oxford, and lasting until the end of the fifteenth century. The second stage was that in which Italian culture grew at court; it covers especially the first half of the sixteenth century. The third, covering the second half of the sixteenth century, saw the extension of the movement among the people at large, while at the same time there arose a national and puritanical reaction which ultimately put an end to the dominance of the Italian spirit. As is implied in the title, the volume is essentially a collection of studies. In Part I. these are entitled "The Scholar," "The Courtier," "The Traveller," and "The Italian Danger." Part II. contains brief accounts of the leading Italians in England in this period—churchmen, artists, diplomats, merchants, and others. Here are also included chapters on Italian political and historical ideas in England and the Italian influence in English poetry, while in an appendix is added an interesting account of English Catholics at Rome. The first part claims to concern itself chiefly "with the Englishman as affected by Italy . . . and later with the movement against Italian influence"; the second "treats rather of the Italians in England." As will be seen from the summary of contents above, this distinction is not altogether maintained, and influences and persons are dealt with more or less indiscriminately in both parts. Indeed, a certain lack of definition, a looseness of organization which causes confusion and needless repetition, is one of the faults of the book, betraying its origin in the researches of the industrious but unpracticed graduate student.

A large part of the book is made up, perhaps necessarily, of somewhat disjointed biographical fragments. In the chapter dealing with the Scholar, we start with Duke Humphrey of Gloucester, trace the influence of the individual Oxonians, Grey, Free, Flemming, Gunthorpe, and Tiptoft, Earl of Worcester—all students under or connected with Guarino Veronese—until the Renaissance movement is definitely established at Oxford by Grocyn, Linacre, and Latimer. Chapter II. deals largely with the courtesy books of Della Casas and Castiglione, which voiced and modified the social aspirations and ideals of the age. In every department of courtly life,—in manners, horsemanship, falconry, fencing, the etiquette of the duel, masks and music, etc.,—Italian influence is traced. Chapter VI., on the Italian merchant in England, con-

though it is evidently intended as such. It is obviously a labor of love, the pious, enthusiastic work of a chivalrous, patriotic Scot, whose soul boils at the thought of the diabolical wrongs done the living Queen by her political enemies and to her memory by cold-blooded if not dishonest historians. The author's task has thus been not so much with laborious patience to inform himself if possible beyond his predecessors with a view to enlightened and authoritative judgment, as to place before his readers a narrative which, aided by passionate appeal for sympathy and noisy denunciation of slanderers, shall convert men to a set of Marian dogmas which he has apparently never been able or willing to regard for a moment as susceptible of honest doubt. In a word he is not a trained historian, not even a competent amateur. It is not to be expected that a task which taxed to the utmost the resources and trained faculties of a Mignet, should be creditably performed by so casual a writer.

If an author makes no pretense to be an impartial judge, he ought at least to prove himself a competent advocate. It is to be feared, however, that Mr. Cowan is neither the one nor the other. His is a book, not, as he evidently thinks and intends, suitable to rank with the scholarly defenses of Mary Stuart, but rather a book for that vague and presumably uncritical person, the general reader. But all this is merely saying that Mr. Cowan's is a bad book if judged from a strict historical standpoint, and scarcely calls for serious consideration in an historical review.

Still as the book is imposing in bulk and alluring in appearance, and as the author challenges the serious attention of critics by claiming to throw "new light on questions of great historical interest," it is but fair to give a few explicit reasons for our unfavorable judgment. First of all as the authorship of the Casket letters is so prominent on the title-page one would have expected that problem to occupy a considerable part of the book, as in Mr. Andrew Lang's recent acute and painstaking volume, which, by the way, gives the scholar such infinite relief and satisfaction after the inadequate, all too complacent work of his fellow-countryman. As a matter of fact Mr. Cowan has very little to say about the perhaps insoluble enigma of the letters, and that little is not very enlightening or convincing. It is amusing in this connection to contrast Mr. Cowan's cock-sure dictum that they are forgeries and "not the work of genius, but coarse incoherent pieces of composition" with Mr. Lang's modest and reverent judgment, that if the famous crucial Letter II. "be in part, at least, a forgery," it is "a forgery by a master in the science of human nature," and seemingly "beyond the power of the Genius of Forgery to produce." Mr. Cowan is not a good student of evidence. "Many of his criticisms," to use the words of that great Scottish authority, Dr. Hay Fleming, "are of the most puerile nature, and he has perfect faith in theories which have been long exploded." The same authority points out the textual inaccuracy of the many documents which Mr. Cowan has published, and notes that the original bond for Riccio's murder, which Mr. Cowan claims to have discovered and published for

power." Charles I. undertook to go further and precipitated¹ the storm that had gathered over his father's head. From the first Bishop's War until the Restoration the Calvinism of Calvin prevailed in Scotland.

But other forces were at work. The Scots were a loyal as well as a religious people. They feared God and honored the king, and if they found predestination in their Bibles they found royalty there as well. There was, too, an irreconcilable antinomy between the Kirk as shaped by Knox and Melville on the Geneva pattern and the Stuart conception of royalty. Each was a receptacle of infallibility; to accommodate its life to either might have been thought task enough for any nation. Though the Scots, up to 1612 and again at the Restoration, were willing to sacrifice to their loyalty something of the disciplinary side of Calvinism, this one concession did not suffice to resolve the antinomy. But the idea of toleration was at work, strengthened on the one hand by individualism, on the other by indifference, and Scotland took back the uncovenanted Stuarts and abandoned the Cameronians.

The nation was preoccupied with politics rather than theology, when in 1688 the birth of a Roman Catholic heir to their Roman Catholic king presented them with a problem involving both of those interests. The idea of constitutional monarchy furnished a solution and Scotland was for the moment at rest under two sovereigns who, although of Stuart blood, had repudiated in terms the Stuart conception of royalty.

The present volume suggests to the student of the comparative history of institutions an interesting line of speculation. What, namely, might have been the fate of royalty in Scotland had not the two crowns been united. The feudalism of the Middle Ages was immediately succeeded by the Kirk of the Reformation. What could the Kirk have made of a king (God's silly vassal indeed) unsupported by another kingdom and another crown?

Professor Hume Brown has done his work well. He has dealt with a big subject in a little book which turns out to be at once readable and scholarly. His detachment is exemplary; like Knox, he can face Mary Stuart unmoved. His judgments of her (p. 116) and of Montrose (pp. 335-336) are admirable for justice and temperance. He throws more light on the intrigue of Lennox with the Roman Catholics in 1581 (p. 183) and on the details of the Cromwellian Union (pp. 365 ff.), and argues (pp. 340 ff.) that the Scots army did not sell Charles but surrendered him because, in the face of his refusal to take the covenant, no other course was possible. In his account of the Battle of Dunbar he follows Firth as against Carlyle and Gardiner. But when he speaks of "the feudal instinct for a sovereign lord" (p. 342) one must register a protest. It has been well argued that the logic of feudalism did not require a king at all, it did not surely admit of any sovereignty in the office.

GAILLARD THOMAS LAPSLEY.

¹ Professor Hume Brown relegates Jenny Geddes and her stool to the limbo of tradition (p. 301 n.) where, even by historical scholars, she will not soon be forgotten.

seal of confession." Here as elsewhere the author is anxious to show that the great body of English Roman Catholics were not guilty of either privity or sympathy with the machinations of the Jesuits.

The remainder of the book calls for little comment. Except in one or two places the story from this point dwindles into a meager chronicle. Regarding the position and influence of Father Petre, evidence is cited to show that James II. was a mere tool in his hands, while the Jesuit father himself was the scape-goat of others—*i. e.*, of the General, the Provincial, and the Confessor of the society. However, one would think that a safer guide might have been chosen for the characterization of Father Petre than Macaulay. It is interesting to note that Father Taunton goes so far as to attribute the fall of the Stuarts to the influence of Parsons and the society.

Certain statements made by the writer might be questioned. For example, Gardiner has shown that James I. never knowingly signed the letter to the Pope requesting that the Scotch bishop of Vazion be made a cardinal; again one would like the authority for the assertion that the King had no intention of "carrying out" the Spanish marriage. Later Charles II. is unjustly blamed for the failure to carry out the provisions of the Treaty of Breda with regard to liberty of conscience. Anthony Ashley Cooper, Earl of Shaftsbury, was perhaps the "chief and leader of the anti-Catholic party," yet it is hardly true to say that it was under his auspices that the Popish Plot was formed.

The dignity of the author's style is marred by an occasional colloquialism. In general, though the work contains much information, it can scarcely be regarded as a complete and well-proportioned history of the whole subject. The index, though long and full, is lacking in one or two important points. There is an appendix containing extracts from the writings of Parsons.

ARTHUR LYON CROSS.

Russian Political Institutions. By MAXIME KOVALEVSKY. (Chicago: The University of Chicago Press. 1902. Pp. ix, 299.)

A History of Russia from the Birth of Peter the Great to Nicholas II. By W. R. MORFILL. (New York: James Pott and Co. 1901. Pp. viii, 486.)

HOWEVER much the above two works may differ in other respects, they have at least one trait in common—they are both difficult reading. For Professor Kovalevsky we must make allowances. The lectures which he delivered last year at the University of Chicago, and which are here reproduced, should be judged with the leniency due any man writing in a language not his own. It is, therefore, needless to insist on the faults of his style, even when he goes so far as to use the phrase "meddled with" when he means intermixed with; and, by a stretch of charity, it is also possible to ascribe a number of pretty loose historical statements to his incomplete mastery of English phrase. Still, no indulgence can absolve him from the charge of having overloaded his lectures with a

sentence was confirmed ; but the prince died before it could be carried out, thus leaving a possibility of doubt whether it ever would have been. On the next page we read that Elizabeth "was a bastard, for there was nothing to prove a marriage between Peter the Great and Catherine." Peter publicly married Catherine in 1712, after the campaign of the Pruth. The attacks on the legitimacy of their daughters were due to the fact that both of them were born before this marriage, and that Peter's first wife was still alive. The reference to the murder of Ivan VI. (p. 124) is unpardonably wrong. Mirovich was not "the man who perpetrated it," but, on the contrary, was trying to free the captive, who was put to death by his keepers to prevent the rescue. Finally, Alexander I. was the grandson, not "the great-grandson" (p. 286), of Catherine II. These are not the only errors, but when all is said, one can read Professor Kovalevsky's book with a good deal of profit.

The same remark can hardly hold true of Mr. Morfill's last work. He has written for "the general reader," but it is hard to imagine anything more confusing to such a reader than his jumble of names and facts, and his sudden digressions and sub-digressions in every possible direction. The garrulousness of his style is at times absolutely bewildering. Although he may have, as he says, mostly drawn from Russian sources, and have freely availed himself of the material furnished, not only by the leading historians of the country, but also of what is contained in the historical reviews and the transactions of Russian learned societies, it profits us but little: his narrative consists often of hardly more than a string of disconnected anecdotes. There is no sense of proportion. For instance, though it may be worth while to devote over fifty pages to Napoleon's Moscow campaign, especially as this is the best written part of the book, still, all the subsequent events in the reign of Alexander I., such as the campaigns in Germany and France, the Congress of Vienna, the Holy Alliance and the reactionary policy of the last years, deserve more than a total of fifteen. And yet this is a trifle compared with the fact that in a history of modern Russia an event of the most transcendent importance, which has been called perhaps the greatest legislative act in the history of mankind, the emancipation of the forty million serfs by Alexander II., is disposed of in a page and a half, much less than is squandered away on many a superfluous anecdote.

After this it is hard to treat the work seriously, as it rambles on, from one subject to another. The beginning is characteristic. We get to an anecdote in the third line, and in the preamble thereof we meet the extraordinary pronouncement that "Alexis was perhaps the first Tsar who had what would now be called a foreign policy." Typical of Mr. Morfill's looseness is his calling Maria Theresa indiscriminately "the German Empress" and "the Austrian Empress," both terms open to criticism. As for his general views, one notes that he carries his partisanship of Peter the Great to the point of glossing over the terrible story of the Tsarevich Alexis ; that he does not do justice to the statesmanship of Bestuzhev, the minister of the Empress Elizabeth ; that in dealing with

While the book is a good substantial piece of work, it might be improved in some respects. It does not show so great a degree of familiarity with the actual practice of the English government as might be desired. The printed sources have been studied with great care but there is much information concerning the actual working of the government which is "in the air" and not in books or documents. This phase has not been developed as fully as it might be. An illustration will serve to make my meaning clear. On page 2 the author remarks: "He [the Prime Minister] is appointed nominally by the Crown, but where the ruling party has a distinctly recognized leader, the Crown has no choice but to appoint this leader. When there is no such preëminent leadership, the Crown may choose from among the two or three most prominent members of the party." This is the usual way of putting it, but the latter part of the statement is somewhat misleading. It is no longer true that "when there is no such preëminent leadership, the Crown may choose from among the two or three most prominent members of the party." The Crown has practically no choice even in such a case as this. The appointment of Lord Rosebery in 1894 is a case in point. When Mr. Gladstone resigned the premiership in that year there was no "recognized leader" in the liberal party besides himself. It might seem then that Queen Victoria would have been free to choose the Premier from the "two or three most prominent members of the party" then in power. This was not true, however. Lord Rosebery and Sir William Vernon-Harcourt were the two most conspicuous men in the Liberal party at the time, aside from Mr. Gladstone. Both of these men had been prominently mentioned in connection with the premiership, but the choice was not left to the Queen. A conference of Liberal leaders decided to recommend the appointment of Lord Rosebery, and he was accordingly chosen. No one expected that the Queen would disregard the wishes of the party leaders. No one now supposes that King Edward exercised his free choice in the appointment of Mr. Balfour. There was no alternative. Had he preferred Joseph Chamberlain he would not have been able to elevate him to the premiership against the wishes of the leaders of the Conservative party. It is now safe to say that the appointment of the Premier is, in practice, dictated by the party leaders, and that the Crown exercises no discretion in the matter whatever. It should be said, however, that in the neglect of the practical side of the subject our author has not erred more grievously than the larger majority of those who discuss the English government. The older writers following Blackstone and tradition, have elaborated the theory and ignored the practice. A few later writers, following the refreshing example of Bagehot, have ventured to show that the practice does not always coincide with the theory.

The book is not as satisfactory from the standpoint of good English as it is from that of historical excellence. It cannot be said to be well written. The book lacks definiteness and precision of statement throughout, and not infrequently the construction of its sentences is decidedly

which is not so good as it might be because not upon a good plan: it combines a subject, author and title catalogue, arranged under the rubrics, countries, states and counties, but the plan is not carried out uniformly; and an index, which though very elaborate is mostly of names, and unfortunately not inclusive of all the names, for at the bottom of each page of the index we read: "For additional names see references on page 553 of this volume."

The Volume I. is prefaced by a map of Scotland, which has no special place. One of Ulster, Ireland, would have been more acceptable; to Volume II. is prefaced a specially drawn map of the thirteen colonies with the centers of Scotch-Irish settlement marked upon it. These centers are 123 in number and are particularly thick in North and South Carolina. This special map deserves warm commendation. It is a real contribution to the subject. It may be said also that the mechanical appearance of the volumes reflects great credit upon the Knickerbocker Press.

There surely is a welcome awaiting a history of the Scotch-Irish. We wish Mr. Hanna would give it to us. He can come measurably near it and serve the cause he has at heart if he is willing to rearrange the contents of the two volumes he has given us so as to put together his chapters upon the Scotch-Irish in chronological order and with omission of the irrelevant matter. He might throw into less space the valuable lists of the original Scotch-Irish and their descendants in America, revise his bibliography so as to make it consistent and even fuller, and arrange his index so as to take in all the names and also so as to be more analytical. He can thus reduce his two volumes to one, relieve himself of the suspicion of having emptied a huge scrap-book upon the unsuspecting public, and increase the number of his readers. Such a volume will then be a fitting introduction to the historical collections he promises us and which we shall be very glad to receive. SAMUEL MACAULEY JACKSON.

The Diamond Necklace, Being the True Story of Marie Antoinette and the Cardinal de Rohan. From the new Documents recently discovered in Paris. By FRANTZ FUNCK-BRENTANO. Authorized Translation by H. SUTHERLAND EDWARDS. (Philadelphia: J. B. Lippincott Co. 1901. Pp. 350.)

La Mort de la Reine. (Les Suites de l'Affaire du Collier.) D'Après de Nouveaux Documents recueillis en partie par A. Bégis. By FRANTZ FUNCK-BRENTANO. (Paris: Hachette et Cie. 1902. Pp. 262.)

It is a pleasure to find another Revolutionary episode rescued from the domain of Carlylean declamation and presented to us with a vividness equal to that of the Sage of Chelsea, with wider research, juster criticism and without the homilies. The author of these books is a skilled historical student with no disturbing preoccupations, who has already proven himself a past-master in the art of tracing the intricate

bassy to Vienna, that "horrid shameful embassy" as she called it,—and holds an initial and exceedingly grave error of that monarch to have been her insistence that Marie Antoinette share in all its vehemence her own intense dislike, and also her constant endeavor to use her daughter to reinforce her own Austrian policy.

M. Funck's narrative abounds in dramatic incidents, brilliantly told,—the opening chapter where the Cardinal Coadjutor, young Prince de Rohan, receives in the cathedral of Strassburg the young Princess Marie Antoinette, coming from Vienna to Paris to be Dauphiness and Queen,—the early life of Jeanne de Valois, with its fierce restlessness and envy—and that tremendous moment when on the day of Assumption, before all the court of Versailles, the Prince-Cardinal, Grand Almoner of France, arrayed in his pontifical garments, prepared for divine service, is arrested like a thief.

This arrest, in the opinion of the author, was an irreparable fault, a mistake than which none could be more grievous. The King and Queen, on first hearing the story that implicated the latter, took the conduct of the affair, which they did not in the slightest degree understand and were not competent to fathom or appreciate, into their own hands. "The affair", writes the Queen to her brother Joseph II., "has been concerted between the King and myself. The ministers know nothing of it." Most unfortunately, says M. Funck, for the Queen was actuated not by wisdom or understanding, but by indignation, by intense antipathy to the Cardinal inspired by her mother and now revived in all its force, whereas, if the matter had first been referred to the ministry, there was one man in it of profound knowledge of men and things, who would have insisted that action be postponed until some light had been thrown upon the intrigue, who would have appreciated the political significance of the humiliating arrest of so notable a seigneur and prelate upon mere suspicion, who probably would have prevented the terrible blunder. A second blunder no less disastrous, was Louis XVI.'s action in handing the case to the Parliament, for trial,—a body whose first desire was not justice, but the humiliation of the crown and the overthrow of the arbitrary power of ministers. The trial throws a sharp light upon the nature of "absolute" monarchy in France in the eighteenth century (pp. 327-328).

In his second volume, *La Mort de la Reine*, a continuation of the *Diamond Necklace*, M. Funck traces the later careers of those implicated in the Necklace affair, the Queen, the Cardinal, Cagliostro, the Countess de la Motte, a fugitive in London, trading in her infamy, writing mendacious memoirs, assisted in so doing, it seems clear, by Calonne, frequently supposed to be the Queen's favorite minister but really one of her most venomous and most persistent enemies, the Count de la Motte, living till 1830 and practising intermittently the gentle art of blackmail, part of the time receiving a pension from the restored Bourbons.

The translation of the *Diamond Necklace* by H. Sutherland Edwards is accurate and spirited. Neither book possesses an index.

CHARLES D. HAZEN.

isters but never put into deeds, was real, it is due to history that the proof be forthcoming. If "it was not easy for Madison to feel that this free navigation of the Mississippi was so very important" (p. 63), why did he express his amazement to Monroe that the thought of surrendering it should even be entertained,¹ or why did he return to Congress (1786) mainly to defeat Jay's proposed treaty surrendering this right?² The statement that "the Spanish officials had withdrawn with all the stately circumstance that had surrounded them," probably refers only to their withdrawal from office, but is likely to mislead, since they lingered in Louisiana and fomented much trouble until finally ordered away. The author's treatment of Jefferson is similar to that of Mr. Henry Adams, whom he has read with care, though a little more favorable.

DAVID Y. THOMAS.

The Sectional Struggle. An Account of the Troubles Between the North and the South, from the Earliest Times to the Close of the Civil War. First Period Ending with the Compromise of 1833. Part concerning the Early Tariffs and Nullification. By CICERO W. HARRIS. (Philadelphia and London: J. B. Lipincott Co. 1902. Pp. 343.)

THE author of this work thinks that "the time has come when the more thoughtful people of both sections are ready to receive a full-length view of the long political and constitutional struggle between the North and the South." He has accordingly "devoted his spare time" to constructing such a work "from original sources . . . with infinite . . . care as to data and great catholicity in the handling of vexed questions." As announced in the title, the plan covers the entire field of sectionalism, but the author, for reasons not apparent, has seen fit to publish a part only, which has a decidedly fragmentary character. As it stands it is not a monograph dealing with the early tariff controversy, but a number of chapters from a larger work, whose unity is to be found only in the fact that they deal with struggles involving sectional feeling.

The scope of the work is narrow, being confined practically to tariff discussion in Congress. Four-fifths of the book is taken up with abstracts of debates, the rest being devoted to extremely brief statements of political events. Nothing is said about the economic conditions which caused the tariff controversy except in so far as these are referred to in southern speeches, and while the contents of every bill and amendment are given, there is nothing done by the author to explain the rates proposed or adopted. Even when votes are recorded no attempt is made to analyze them, nor is it shown in most cases to what extent sectionalism influenced the result. Political parties are seldom mentioned. In its very limited range the work seems to have been carefully and systematically carried out, being based apparently upon the *Annals of Congress* and Niles's *Register*. It is perhaps most useful in the chapters where

¹ June 26, 1786.

² Gay's *Madison*, 81 ff.

sented the more conservative type among the Northern settlers—the men who would fight if attacked, but proposed to settle the territorial difficulties at the polls and finally carried their point.

Professor Blackmar's book appears, then, after the fierceness of the old controversies has abated, though the crude blackguardism which was often a conspicuous characteristic of them is not yet wholly extinct. This work certainly ought not to revive the quiescent feuds, as it is notably moderate and judicial in temper. The writer has endeavored, and with a good degree of success, to render to all the Cæsars what belongs to them. We do not remember that he anywhere calls Governor Robinson "the Saviour of Kansas"—a phrase which the partizans of Brown and Lane are fond of associating with their names. The burden of his contention is that, in the border troubles and during the Civil War, Robinson rendered great services to Kansas—a position not likely to be successfully assailed. In the prosecution of his task many of the chief events of Kansas history pass under review. If Professor Blackmar does not throw much new light upon the subject, he certainly contributes to it no fresh confusion. The narrative might have been made more effective by compression. At times it carries a burden of details which cloud its distinctness and contribute little in the way of compensation.

The most serious criticisms of Governor Robinson have been occasioned, not so much by what he did in the territorial days, as by what he said about them after they were past. The fact that he outlived John Brown thirty-five years and General Lane twenty-eight; that he had both the opportunity and the disposition to put his version of the border struggle before the public is thought by some to have given him an advantage over rivals in the award of honors. In the first place he is charged with introducing into Kansas history "the curious myth" that there were two well-defined parties in the territory, "the one wishing to carry its ends by war, the other by peace," where, as a matter of fact, no distinctively peace sentiment existed. Professor Blackmar in reply quotes from the address of Governor Stanton at the old settlers' meeting at Bismarck Grove in 1884 to the effect that on his arrival in Kansas he found the Free-State party divided in opinion—one faction advocating extreme measures and the other moderate. He might also have quoted from a remarkable speech which Lane delivered at Lawrence twenty-seven years earlier. The immediate occasion of that speech was President Buchanan's characterization of him in a message to Congress as a turbulent and dangerous border leader. Adroitly avoiding all discussion of his own personal record or that of the radicals he reviewed the course of the Free-State party and contended that from first to last its *policy* had been pacific. Or if Lane's testimony needed corroboration, Professor Blackmar might have reinforced it by that of John Brown, who in a speech delivered at Concord in the spring of 1857 assailed "the peace party" in Kansas—the party which "discountenanced violence."

The other point of criticism relates to "the Pottawatomie massacre." On the appearance of Townsley's confessions in 1881, Governor Robinson

was the last reliance and hope of the Confederacy ; and he must have known, too, that nothing but a desultory, irregular struggle could be kept up after his surrender. It is most interesting to know, as Mr. Adams shows, that Lee had maturely considered the issue and had reached his conclusion before the last step must be taken. He had evidently taken thought, too, of a contingency which did not arise, — the refusal of his army to follow his example of surrender. There is true pathos and true heroism of a very high order in these words of Lee to a confidential friend and officer just before the final act: "And as for myself, you young men might go to bushwhacking, but I am too old ; and even if it were right for me to disperse the army, I should surrender myself to General Grant, as the only proper course for one of my years and position." It is not easy to point to any finer example of poise of character and unselfish obedience to duty in the annals of military or civil life of any age. The scene and the act, the man and the event, put Lee, to use a familiar phrase, in the company of Plutarch's heroes. It is a good service of Mr. Adams to have set this passage clearly before the world.

By far the longest and most important paper of the volume is entitled "The Treaty of Washington: Before and After." We say most important because it presents in broad outline and in well-chosen details a very large and influential chapter of our recent history. We think it plain that no other man could have done this so well, from so full and minute knowledge, and in a style at once so trenchant and vivid. The course of English feeling, the sequence and incidents of the diplomacy of England and the United States from 1861 to 1871 are a twice-told tale to Mr. Adams, and into this narrative and review he has put a wealth of personal characterization of the chief actors and of painting of the great scenes and crises of the eventful period, which makes its 220 odd pages fascinating with the liveliest personal and historical interest. It was necessary to review the whole course of events of the ten years which immediately preceded the treaty of Washington in order to put the final transaction in its proper setting. Mr. Adams has taken space to do this. Especially he has not shrunk from passing positive judgments upon actors as well as events. Here he has of course had to meet the usual fortune of critics of individuals. The present writer does not regard it as ground of wise criticism that one who writes of recent events paints men and manners and motives as seems to him justly. Good faith, a fair spirit, is all that can be rightly required. Mr. Adams's judgments of many individuals have been, and doubtless will be, seriously disputed ; but in our belief no fair charge of intentional misrepresentation will ever lie against the treatment of individuals in this free and outspoken paper. Elsewhere the present writer has expressed his dissent and the reasons therefor from Mr. Adams's judgment of one large figure on his canvas, but he recognizes not the less that the canvas is a large one and that it has been drawn and filled with much skill and general fidelity to facts.

The treaty itself Mr. Adams regards as the complement of the Emancipation Proclamation, "rounding out," to quote his words, "and com-

effort to show the low plane on which the discussions of our gravest public questions have hitherto been conducted, and to point out a remedy. Mr. Adams finds it easy, by a swift review of our Presidential canvasses since 1860 to show the correctness of his criticism. He concludes that "taken as a whole, viewed in the gross and perspective, the retrospect leaves much to be desired,"—a summation evidently not open to the criticism often, perhaps not without a degree of justice, made on Mr. Adams of over-statement. Of the whole development of what we often hear called political thought and education in our Presidential canvasses, our author finally declares with more emphasis and more adequacy of characterization: "It has been at best a babel of the commonplace."

To his own query, "Wherein lies the remedy?" Mr. Adams's answer is a singular one; in substance, this: Assemble the American Historical Association, for example, and there in the thick of the canvass, let its members discuss the great present issues of Trusts, Imperialism, etc., and thus make appeal to the real intelligence of the country. It is hardly needful to specify the impassable hindrances to the application of the remedy, or its inefficacy, if otherwise practicable. But Mr. Adams gives us something far wiser and better than his remedy. He himself proceeds to discuss the so-called burning topics of the day—trusts and monopolies, currency, and imperialism. Passing by the discussion of all but the last, it may be said, we think, without exaggeration, that in 20 pages (pp. 316–335) Mr. Adams has presented the soundest, best-reasoned, and most impressive discussion we have yet had of the essential substance of what we now know as imperialism—its source, its motive, its end, its effect, its necessary final result. In these few pages he moves with the steady, firm step of a master, calling in for reproof and instruction the aptest lessons of history and the safest conclusions of philosophy applied to politics or political concerns. The volume would deserve warm and wide welcome if only for this one score of pages.

Mr. Adams as a writer is not to be praised without reserve. Certain literary and moral qualities which are fair topics for criticism, appear in all he writes. Our space would not permit us here to elucidate this remark, if we were disposed to do it. Nor does it temper the heartiness of welcome with which we receive the volume—a volume which in its whole effect adds to our stock of light and wisdom, and everywhere by its free vision and unhampered tone uplifts and cheers those who would know the truth and be guided by it

D. H. CHAMBERLAIN.

The Life of John Ancrum Winslow, Rear Admiral United States Navy, Who Commanded the "Kearsarge" in her Action with the Confederate Cruiser "Alabama." By JOHN M. ELLICOTT. (New York and London: G. P. Putnam's Sons. 1902. Pp. x, 282.)

THE diligent and painstaking author of this book has done well with his subject. If in certain parts the book seems padded with matters of

tuitous circumstances, over which he had no control, he had to wait at Fayal three months and a half before assuming his command. This was on April 8, 1863, and he was charged with the onerous duty of hunting down the "Alabama" and other Confederate cruisers and their capture or destruction. The "Alabama," in particular, was the special object of his quest. For nearly two years she had roamed the seas under the able command of Semmes, and had destroyed a large part of our merchant marine. Welcomed, encouraged and petted in English ports, she managed to evade our cruisers at all points and seemed to have a charmed exemption from every effort to meet her and bring her to battle. Of her call at Simon's Bay, near Capetown, August, 1863, Lieutenant Sinclair of the "Alabama" said in a letter to his mother: "If a Yankee man of war comes in they drive her off in twenty-four hours; and if they complain that they are in want of repairs, the English order a board of their own officers, and they always decide that the repairs are not necessary; but in our case they only say, 'We are glad to see you, old fellows, make yourselves at home, and anything you want let us know.'" That tells the whole story of English officialdom towards the Union cause during the war of which Craven, Wilkes, Pickering, Winslow and others of our captains had ample experience in British waters.

In the fourteen months of Winslow's arduous work of search and blockade, before he was able to bring the "Alabama" to bay, he was constantly harassed by the British authorities, and if he seemed to lose his head diplomatically on one or two occasions and bring upon himself an admonitory letter from Minister Adams, it was not to be wondered at. But all things have an end. On the 12th of June, 1864, Winslow got word that the "Alabama" had put into Cherbourg the day before and he proceeded thither with all despatch. Arriving off the breakwater on the 14th, he steamed in and out of the harbor, getting a good look at the "Alabama" in so doing, and then proceeded to blockade the port. Five days later, or on Sunday the 19th of June, the "Alabama" steamed gallantly out of the harbor to seek her eager antagonist and throw down the grim gauge of battle. The first shot was fired by the "Alabama." This was at 10:57 A. M. Sixty-five minutes later she hauled down her flag in distress and at 12:24 P. M. went to the bottom. To the Confederates had come defeat but not dishonor. Semmes as he was about to go out and engage the "Kearsarge" had written Confederate flag-officer Barron that the "most of combats were always uncertain," and taking the uncertain chance he lost. For a full account of this famous ship-duel, so dramatic in incident, so momentous in import, we must refer the reader to the author's stirring narration. Here Ellicott is at his best, telling the splendid story with technical skill and clearness of detail in a way altogether graphic and admirable.

At this day, it is difficult to conceive the thrill of delight that swept over the loyal North when the news of the "Alabama's" destruction reached the country. Winslow, his officers and men immediately became the heroes of the hour and after the "Kearsarge's" arrival home, they

in so stating them is not diminished by the circumstance that foot-notes are not employed in his review, and that he is under no necessity to supply, that way or any way, the material for controverting his opinions. The remainder of the volume, the last chapter excepted, which deals with one or two questions of our foreign relations, is a fairly clear setting forth of the Presidential and the Congressional policies, always with judgments and discussions. The actual process of Reconstruction in the Southern commonwealths is not followed in much detail. The carpet-bag régime is treated, as Professor Burgess tells us it should be, only in the vaguest outline. It is best, he thinks, to deal with it "briefly and impersonally," avoiding criminations and seeking only lessons of warning. There is no attempt at narration, no painting of conditions, no concern about such things as atmosphere, little psychology, no drama. Of these things, apparently, "political science" can take no account, if it is going to stay "sound." It is all statement and reasoning; forcible, but hard; relieved by no grace of style, suffused with no tenderness, charged with no enthusiasm. It is a book which makes one question the relation of political science to life. Yet there is no event, no law, no theory discussed in the body of this work which did not relate itself closely to the lives of countless men and women and children, dead, and living, and unborn.

There are many of the specific conclusions which invite comment; some of them occasion surprise. For example, Mr. Shellabarger, of Ohio, is credited with something like leadership of the Republicans in Congress when they came to plant themselves on a theory. Mr. Blaine's opinion that Seward's influence determined President Johnson's course is accepted, though it is not sustained by the testimony of those who came closest to the President. Professor Burgess seems to think there actually was a danger that the Southern congressmen chosen under the Johnson governments, uniting with Northern Democrats, might get the Confederate debt assumed and the Union debt repudiated. He says, at least, that the danger of these things was "somewhat exaggerated." One would expect the American sense of humor to have asserted itself by this time on that particular point, even if one never ventured so far into the consideration of human motives as to perceive that the course marked out for the Northern Democrats, in that extraordinary foreboding was, humanly speaking, impossible. Stanton is condemned very plainly for his holding on to his place against Johnson's will. Here, for once, the author's positiveness is acceptable. He is equally positive that two-thirds of the states which had not attempted to secede were enough to ratify the amendments. He is at pains to be fair to Andrew Johnson, and does not go too far in what of praise he has to say of our most unfortunate President. His judgment seems as good as his courage when he praises Hayes and commends his administration. On that point, the few students of this very recent period seem to be approaching a consensus. *Per contra*, he says of Grant's argument in favor of annexing San Domingo that "it would be difficult to find another message of a Presi-

while the more recent immigrants who have been of a feebler fibre, have, for that very reason, been the more ready to receive the impress of the surroundings among which they have fallen.

In the third chapter he points out how much more ancient the conception of the nation is in Europe than in America, and in following out this idea he comes nearer to the fanciful than in any other part of the book; for he says that the Americans have not the same feeling of patriotism as Europeans. That sentiment, he says, does not appeal to their imagination, their public spirit being based rather upon a superabundance of individual energy and an enlightened conviction of self-interest.

In the fourth and fifth chapters on "The State and the Government" he makes the remark, which contains no little truth, that the European states and the American Republic belong to two distinct natural species, so that grafts from one to the other are highly likely to remain sterile. He goes on to point out that in France royalty made the nation, and the nation made the individual; whereas in America it is the individual who has made and marked off the functions of the state. The theory is developed, as the reader may well imagine, at great length and under many forms, which it is impossible to describe in the space of this review. It is brought into connection with the thesis already propounded, that the United States is first and foremost an economic and not a political society. It would be interesting, if possible, to refer to many of his deductions. Some of them are very keenly put, as, for example, where he says that the checks and balances of power which have been represented as the marked trait of parliamentary government in Europe, are really only secondary and transitory. The real aim and crown of the system is the intensity of power, the authority and firmness of hand of the government due to the confidence which it draws from its manifest accord with the people. He points out, of course, that the American system is founded on exactly the opposite principle. In the course of his discussion he makes many interesting observations upon the organization of our government, state and national, and here he falls into occasional mistakes, especially in matters of law. He does not quite appreciate, for instance, the binding effect of decisions as precedents which practically enable a court to settle the law by a single case which is brought before it; nor does he seem to understand the meaning of the decisions of the Supreme Court on the protection of civil rights under the Fourteenth Amendment. He sums up the difference between the French and American ways of looking at the government with his usual terseness. The Frenchman says: "Let us rather be governed badly than not governed at all," while the American says: "Let us be as little governed as possible, rather than be governed badly;" and speaking of the conservative tendency of our government he remarks that under the present organization the states find themselves under the most anti-progressive system which can be imagined. The chapters end with a discussion of the importance and the principles of local government.

of physicians, critical inquirers and men hungry for more knowledge from the west. Nor is any allowance made for the influence of ideas derived from the work of Iberian missionaries during eighty years, which certainly modified powerfully the Shinto and Buddhist sects, besides keeping up continuously a subterranean history of Christianity in the islands. Yet on the whole we know of no other writer in any country who could have woven this history with such richness, color and accuracy. Moreover the pages show the practised pen of the veteran editor of *The Japan Mail*.

The author's method is first to get behind the looking-glass of popular Japanese tradition (which has served so handsomely as the age-old political engine for unifying the nation and restoring the imperial power, yet furnishing withal a motor for modern progress) and then to step out into the modern world of scholarship and tell what he has found. Until the fourth century the Japanese were without letters or almanacs. Their two most ancient books, written respectively A.D. 712 and A.D. 720, while containing material for history, are mostly compilations of myths and traditions. The *Kojiki* in pure Japanese is an artless narrative. The *Nihongi* is woven together with Chinese philosophy and classic quotation—or plagiarism. Captain Brinkley's conclusion, in harmony with that of probably every critical scholar, is that "among many borrowings made by Japan from China, the idea of her 'age of Gods' has to be included." In a word the earlier historiography of the island empire is largely a reflection of models borrowed from China. The rise to power of the house or clan, of which the chief was called the Mikado, and the fluctuations of his measure of power constitutes in epitome Japanese history. Chinese arts and letters were the first influences making for culture, but Buddhism was the great civilizing, centralizing and unifying influences. The author's clear demarcation of each epoch—prehistoric, early historic, Nara, Hei-an or Kioto, the military, the Tokugawa—and his keen appreciations of each feature and influence are delightful to the scholar. Epitomizing the social, moral and legal aspects of the Yedo epoch (1604–1868), which of all is best known to foreigners, he surveys rapidly the era of Meiji, or enlightened government, that is, the reign of the present Emperor (1868–1902 +). He then opens before us the financial and economic conditions, foreign politics, steps of progress, creed and caste, religion and rites, and superstition, closing with descriptions of the festal and ceremonial side of life and the history of foreign commerce.

One is impressed in reading this story of Japan with the resourceful power of the Japanese, with their originality, and their ability to make much out of little,—whether in the way of enjoyment or of business, or of equipping themselves for modern struggle and the challenges of the future. Confucianism, Buddhism and Bushido (the school of the knight) have been the great culture elements. Chivalry in the Samurai and their wonderful arts, from which the whole world now gladly learns, are the consummate flowers of their genius.

Volume VI. contains an analytical index of the whole work as thus

The Trend of the Centuries : or the Historical Unfolding of the Divine Purpose, seems to describe fairly a recent book by Rev. A. W. Archibald, D.D. (Boston and Chicago, the Pilgrim Press, pp. 419). It is the title chosen for a series of twenty chapters, originally discourses, whose common object is to set forth the idea of "God in history," and thus remove doubt and strengthen faith in an overruling Power. They begin with a survey of the field: "The Whirling Wheels of Divine Providence"; and then march hurriedly through the ages to "The Triumphant Nineteenth Century."

E. W. D.

Encyclopædia Biblica. Edited by T. K. Cheyne and J. S. Black. Volume III. (New York, The Macmillan Co.; London, Macmillan and Co., 1902, pp. xvi; columns, 3,988.) For notices of Volumes I. and II. see this REVIEW for April, 1900, and July, 1901. The present volume (which beginning at L goes through the letter P) is rich in historical material; only the longer articles can be mentioned here. Taking these in chronological order, we have, first, a general geographical sketch of Palestine (by Socin, W. M. Müller and others), in which is given, among other things, a list of the Palestinian places named in the Egyptian inscriptions that can be identified. A separate article is devoted to Phœnicia (by Ed. Meyer), in which it is attempted to give an accurate statement of what is known of the beginnings of the Phœnicians—a point on which there has been much vague writing; all that can be said with certainty is that their cities existed as early as the fifteenth century B. C. Meyer gives also a clear and judicious account of their religion, which was substantially identical with the other Canaanitish cults (including the early Hebrew), yet with features of its own. There can be no reasonable doubt that the Phœnicians were Semites. On the other hand, of another interesting and much-discussed Biblical people, the Philistines, it seems to be true that they were non-Semitic; such is the view taken in the article devoted to them (by G. F. Moore), which favors the theory of W. M. Müller that they came from the coast of Asia Minor, and were a warlike and not uncultivated people. There is a good deal to be said for this theory; but, in the absence of definite information, it is safer to reserve opinion—the name "Philistine" and other points about the people are obscure; by a curious chance they have given the country its name "Palestine." In the article "Mizraim" (by Cheyne) there is reference to a notable geographical and historical hypothesis that has lately come to the front. "Mizraim," or more properly "Misraim" (Arab, "Misr"), is the ordinary Hebrew term for Egypt; but the Assyrian inscriptions reveal a Musri in North Arabia, and attempts are being made to refer to this latter much in the Old Testament that has been held to refer to Egypt, one scholar asserting that the Israelites never were in Egypt, and that their exodus was from Arabia. Apart from such violent suppositions, the Arabian Musri sometimes throws light on the Old Testament statements, but the scantiness of the data warns us to be cautious. In connection with the North Arabian region Cheyne in va-

he has not sufficiently emancipated himself from the influence of Livy and of the hazardous constructions to which Mommsen gave the weight of his authority. We even find the story of the expulsion of the Tarquins and the legend of Virginia told as if they were presumably true; and the patricians again do duty as the only original citizens of Rome, although Botsford's admirable text-book has already acquainted many of those for whom Mr. Granrud's book is intended with the more reasonable view, that the plebeians were from the start as truly members of the body politic as, for instance, the commons in every period of English history.

H. A. SILL.

Town Life in Ancient Italy (Boston, Benj. H. Sanborn and Co., 1902, pp. 62) is a translation by William E. Waters of New York University, of Professor Ludwig Friedländer's "Städtewesen in Italien im ersten Jahrhundert," originally published in the *Deutsche Rundschau* in 1879 and since then reprinted as an introduction to the author's edition of Petronius. It has chapters on the appearance and condition of the towns, on municipal government, on social classes in the rural cities, on the fiscal management of rural cities and on their popular amusements, religious observances and relations with Rome. The original, written from the sources, to which full reference is made in the footnotes, is filled with interesting details of the everyday life in the Italian towns during the first century of our era. There is presented in attractive form and with scholarly accuracy the sort of information that the average student needs. It is well worth translating for the benefit of our school and college students who have so little insight into the actual life of the Romans about whom they read in the classical texts. It appeals also to the interest of readers of history in general as covering in an attractive way a field but little touched upon by English or American writers.

The translation is a readable one and in the main well done, though a few inaccuracies may be noted. On page 28 the "had been reduced" is a somewhat ambiguous rendering of "er habe klein angefangen." The failure also to cite a definite number of millions left by the parvenu spoils the point of Friedländer's observation in the next sentence in regard to the eagerness of the freedman to leave on his tombstone an exact record of the amount of his accumulations. The sentence on page 20 beginning, "The number of those," etc., does not correctly interpret the original.

J. H. D.

Roman Africa: an Outline of the History of the Roman Occupation of North Africa, based chiefly upon Inscriptions and Monumental Remains in that Country. By Alexander Graham. (New York, Longmans, Green and Co., 1902, pp. xvi, 326.) The literary sources for the history of North Africa during the Roman period are meager. They surprise the reader occasionally by references to the fertility and wealth of the country, but give no just conception of the greatness of the territory under Roman rule, the density of its population in the more

Fratelli Bocca, 1901, pp. xi, 542.) The present volume is devoted to the development of the idea of religious liberty from the days of classical antiquity to the close of the eighteenth century; the second volume is to deal with the growth of religious liberty itself during the nineteenth century. The work is an elaborate, comprehensive and painstaking treatment of the subject in hand.

After an introductory chapter in which the fundamental conceptions—liberty of thought, of conscience, of worship, toleration, etc.—are carefully discriminated, the ideas that prevailed in classical antiquity, in the ancient and medieval church, and among the reformers and Socinians are presented in a chapter entitled "The Precursors." The views of the several reformers are accurately distinguished, the failure of the churches of the Reformation to grasp the idea of religious liberty is recognized, and the Socinians are given full credit for their advanced position in the matter. An interesting chapter follows on the influence of Holland in promoting the principles of religious liberty, and the remainder of the volume—more than two-thirds of the whole—deals with the development of those principles during the seventeenth and eighteenth centuries in Protestant and Catholic countries, respectively. The comprehensiveness of this part of the work is sufficiently indicated by the titles of the sections: "English Independency"; "The School of Natural Rights in Germany"; "American Separation"; "The Growth of Tolerance in Switzerland and Scandinavia"; "French Rationalism"; "The Episcopal Movement (for local autonomy) in Austria"; "Rationalism and Episcopalianism in Poland, Belgium and Italy."

The work is an exceedingly valuable contribution to the literature of the subject, breadth of treatment, clearness, and convenience of arrangement being among its most conspicuous merits. A. C. McG.

Weltgeschichte seit der Völkerwanderung. By Theodor Lindner, professor in the University of Halle. (Stuttgart, J. G. Cotta, erster Band, 1901, pp. xx, 479; zweiter Band, 1902, pp. x, 508.) Preceded by *Geschichtsphilosophie: Einleitung zu einer Weltgeschichte seit der Völkerwanderung* (1901, pp. xii, 206). These are the first installments of a history of the world since the migrations, in nine volumes, by a single writer. Since he has occupied himself with history—and that is near four decades—he has looked upon the investigation of details only as a means of gaining a picture of the whole. Not that he holds investigation of details lightly, for upon it rests all real historical knowledge; but his writings of that order, and a long experience in teaching—in which one has always to keep high points of view and look out over the whole field—now give him right, he hopes, to enter upon this general work. Also, the chief matter in such a work is that it be uniformly conceived; and that can only come through one person, if general history is to offer more than a mere putting together of special histories. Thus, in part, Dr. Lindner justifies his undertaking.

Historians"; "English Historians of the Twelfth Century"; "Monastic Orders: Cluny, Citeaux, and The Small Orders"; "The Normans in Italy"; "The Crusades, First and Second"; and "The Universal Chronicles." The scholarly features of the first fascicle also appear here: completeness, careful indications, clear arrangement, satisfying explanations, trustworthy judgments; there can be no student of the history of France who does not owe M. Molinier a lasting debt. It is welcome news, too, that this manual, which was to stop with the beginnings of the Italian wars, is now designed to go on to 1815; MM. H. Hauser, M. Tourneux and P. Caron are to deal with the period after 1494.

E. W. D.

Geschichte des ersten Kreuzzuges. Von Reinhold Röhricht. (Innsbruck, Wagner'schen Universitäts-Buchhandlung, 1901, pp. xii, 268.) During the last thirty years much critical study has been devoted to the first Crusade but there has been no satisfactory history of the whole movement. Sybel's *Geschichte des ersten Kreuzzuges*, published in 1841, was an important book to which all later students have been indebted. But in the second edition, published in 1881, Sybel made comparatively little improvement on the first, and neglected to use the work of other scholars who had shed light upon many a doubtful point. The third edition, published in 1900, is merely a reprinting of the second. No other work on the first Crusade deserves mention. Consequently it was natural that Röhricht's friends and admirers should urge him to undertake the task. For many years he has been known as one of the best authorities on the history of the Crusades. But until a few years ago he had written mainly on subjects connected with the Latin kingdom of Jerusalem. His most important work is the *Geschichte des Königreichs Jerusalem* (Innsbruck, 1897). He had not, however, neglected the study of the earlier period and was thoroughly conversant with all the special works of the last few decades.

He has fulfilled this task in the same manner in which he wrote his history of the kingdom of Jerusalem. He has given a careful and detailed account of all the important events. With a few exceptions the narrative is strictly chronological. It forms a vast repertory of facts with full references for almost every statement. In the notes, instead of citing at length all the sources, he has frequently economized space by referring to special works, such as Hagenmeyer's *Peter der Eremit*, with whose conclusions he agrees.

Naturally there is very little in the book that is new. It is, however, a thorough study of the whole subject; and sometimes Röhricht has added the weight of his opinion as to the decision of some disputed point. For example, he believes with Hagenmeyer that the Emperor Alexius did summon the crusaders; Chalandon, in his study of the reign of Alexius (Paris, 1900), and Diehl, in his essay in the *International Monthly* (June, 1902), deny this emphatically. The argument in this book has strengthened the position which Hagenmeyer and Röhricht

Even the most meager list of authorities should give the place as well as date of publication, and the title and description should be sufficient to identify the reference without question.

In this second edition, published in March, 1902, some mention might have been made of the American Revision, which appeared in August, 1901.

BYRON A. FINNEY.

Florenz und die Mediceer, by Professor D. Eduard Heyck (Bielefeld and Leipzig; Velhagen und Klasing, 1902, pp. 186), one of a series of *Monographien zur Weltgeschichte*, will be welcomed by those who wish to possess an admirable collection of Florentine pictures at a low price. The text does not aspire to originality; indeed, the book is recommended as "an illustrated guide and handbook for the city and its celebrated collections and galleries." The title of monograph in this connection, shows a widening use of the term, which may be brought eventually to cover such products of research as Baedeker.

M. W.

The Medici and the Italian Renaissance, by Oliphant Smeaton [World's Epoch Makers] (New York, Charles Scribner's Sons, 1901, pp. x, 286), is an informal and popular presentation of Florentine history, with such Roman additions as are justified by the migration of the younger Medici into the Curia. Among the pleasing features of the book is the evidence it affords of the increasing number of readers who are interesting themselves in the Renaissance. Attractive as that period unquestionably is, it is no easy task to treat it in a popular manner, and Mr. Smeaton has chosen the best method, in making the Medici the central figures of his book, grouping about them the lights of the age, artistic and literary, and subordinating the interplay of political forces, French, Spanish, and German, which could only serve to complicate hopelessly the subject.

M. W.

Essai sur l'Origine de la Noblesse en France au Moyen Âge. Par P. Guilhiermoz. (Paris, Picard et Fils, 1902, pp. 502.) The author enters a field of discussion in which many battles have been fought. He realizes, apparently, that a new work must justify its existence, for he has fortified himself behind an extensive and elaborate bulwark of citations and references. In fact, the book is a model of logical arrangement and close reasoning upon a single topic in the history of feudal society, while at the same time the whole subject is reviewed in the light of present knowledge.

"La noblesse" is defined as a social class to which the law accords hereditary privileges on the ground of birth alone. The discussion confines itself to this class, disregarding any forms of aristocracy based on politics, wealth or influence. This privileged nobility of birth came to an end in the French Revolution. The firm establishment of the class is placed by the author in the twelfth century and he shows the process by which it was developed out of preceding conditions. He argues that the

But if the Renaissance was a true awakening of the spirit of inquiry, fearless of all consequences, then all this artistic activity was merely the superficial display that might or might not lead to something deeper. In encouraging this the Church was not taking one step along the road of real enlightenment, and the protest of the Reformation was the result. It is idle to defend the papacy of the fifteenth century as a friend of true enlightenment with the record of her history from Trent to the encyclicals of Leo XIII. before us. Whoever uses M. Guiraud's useful book must do so with the knowledge that the heart of the matter has not been touched.

A new edition of the *Mémoires de Philippe de Commines*, by B. de Mandrot, is appearing in the "Collection de Textes pour Servir à l'Étude et à l'Enseignement de l'Histoire" (Paris, A. Picard et Fils). The first volume (1901, pp. 473) covers the years 1464-1477. The fact that the manuscript followed was not known to any preceding editor, together with the belief that it is the only one which contains the account of Charles VIII.'s expedition into Italy, is sufficient to make this edition of interest. For other reasons it will no doubt also be standard: the variants of other manuscripts and of the more important other editions are given; there are extensive notes, which seem to answer all relevant questions; an appropriate introduction is promised with the second volume; the page is attractive; and in general the book bears throughout the earmarks of well-done work.

E. W. D.

Cromwell's Army. A History of the English Soldier During the Civil Wars, the Commonwealth and the Protectorate. By C. H. Firth. (London, Methuen and Co., 1902, pp. xii, 444.) The contents of this charming volume were first given to the public in the Ford Lectures delivered in the University of Oxford in 1900-1901. It is the only adequate account of a very important subject; for it was during the Cromwell period that the old disjointed Tudor system of local trained bands, "who bore that name rather because they were selected for training than because they were actually trained," gave way to an efficient centralized army differing only in details from those of Marlborough and Wellington. Mr. Firth describes the new organization in detail, showing how it was officered, armed, clothed, fed and disciplined, how battles and sieges were conducted. There are two chapters on religion and politics in the army. It is seldom that one finds so much new information in an historical work. One should expect it to find favor in military circles; to the historian, at all events, it is indispensable. The author's information is drawn from an astonishing variety of sources, to which full references are given. Numerous extracts in the foot-notes and the appendix add greatly to the reader's interest.

G. J.

A Supplement to Burnet's History of My Own Time, derived from his Original Memoirs, his Autobiography, his Letters to Admiral Herbert and his Private Meditations, all hitherto Unpublished. Edited by H. C.

looked for opportunities for the realization of his hopes of geographical discovery and conquest. From the lack of personal knowledge he fails to present Champlain's excursions into the unknown lands of the Great Lakes with that vivid reality which renders Parkman's narrative so enticing. Mr. Sedgwick does not follow Kingsford in seeing in Champlain's early and middle life traces of Huguenot training and practice, but throughout emphasizes facts which he thinks show him a faithful son of the Church. He bears the strongest testimony to his high moral character, his great prudence and self-sacrifice, and the noble example which he set in an age not remarkable for these qualities. It was the possession of these gifts by a man filled with the romance of exploration which makes Mr. Sedgwick rank him "as one of the worthiest, if not the worthiest man in the early history of North America." The use of the word "carries" where portage is intended is a localism, out of place and ungrammatical.

JAMES BAIN.

When Old New York was Young. By Charles Hemstreet. (New York, Charles Scribner's Sons. 1902. Pp. xi, 354.) This group of sketches is the work of one who has established a reputation in the study of New York antiquities. It traverses somewhat the same ground as his *Nooks and Corners of Old New York*, but is an improvement on the earlier book in style and arrangement. As an historical authority the present series of essays cannot take high rank, owing to the total absence of citations. This is not to say that the author's study of local records has been remiss; indeed such study is manifest throughout the pages. Manhattan Island for the last three hundred years is evidently an open book to Mr. Hemstreet.

The nature of the work may be inferred from the titles of the chapters. Some record the striking events of a locality, *e. g.*, "Greenwich Village and the Mouse-trap," "The Story of Chatham Square," "Around the Collect Pond," "The Pleasant Days of Cherry Hill." Others deal with the associations of certain institutions, *e. g.*, "Old-Time Theatres," "Christmas in Old New Amsterdam," "Town Markets from their Earliest Days," "Old-Fashioned Pleasure Gardens." While the writer's interests lie mainly in the lower end of the island, he has not neglected other regions, and we find chapters on "Kip's Bay and Kip's House," "Some Islands of the East River," and "Spring-Valley Farm." The illustrations, in part from old prints, in part somewhat idealized representations of former days, are less valuable than the sketch-maps which accompany the chapters. There is some needless repetition of incidents (*e. g.*, the story about the British frigate "Huzzar" is given on p. 146 and again on p. 221). But on the whole the book may be commended as a readable account of old New York.

EDMUND K. ALDEN.

The fifth volume of Blok's *Geschiedenis van het Nederlandsche Volk* (Groningen, J. B. Wolters, 1902, pp. 494) deals with the second half

future development of the company as a ruling power, or of Thomas Pitt, the stout old defender of Fort St. George at the beginning of the eighteenth century. On the other hand, Mr. Innes closes his history with the Sepoy Mutiny of 1857, and has nothing to say of the new era of the direct government of India by the Crown. His book therefore is rather a history of the East India Company from Clive to 1857, than a history of the British in India. Forty-five years have passed since the Mutiny, and it is about time that writers on Indian history realized that much has occurred in India since the suppression of the East India Company. Nevertheless Mr. Innes's little book may meet the need of general readers who desire rather fuller information upon the later history of the company than they can obtain from Lyall's epoch-making essay on the *Rise of the British Dominion in India*.
H. M. S.

Stringer Lawrence, the Father of the Indian Army. By Colonel J. Biddulph. (London, John Murray, 1901, pp. 133.) When Robert Clive, the heaven-born soldier, as William Pitt the elder once called him, was offered for his services in defeating the French army and making English power in India inevitable a sword of honor by the directors of the East India Company, he refused to accept it unless a similar sword was presented to his old commander, Stringer Lawrence. The directors saw the justice of the demand and voted to Lawrence a more valuable diamond-hilted sword than they had given to Clive. This incident shows the regard in which Clive held his old chief and justifies the ranking of Stringer Lawrence among the military heroes of the English in India. It is perhaps rather a large term to apply to Lawrence in calling him the father of the Indian army, but he certainly commanded a larger body of troops than previous English commanders had led, and he proved his powers of leadership in the famous siege of Trichinopoli, when the French cause in India finally went down. Colonel Biddulph has done well to draw attention to the services of this forgotten soldier, but he has added nothing to our knowledge of the history of the times in which he fought. The account of Lawrence's campaigns is mainly taken from Orme's *Contemporary History*, and no other source seems to have been drawn upon. The life of Captain Dalton, published some years ago, was of real historic value, and for the first time extracted from Orme's account the true inwardness from a military point of view of the failure of the French to take Trichinopoli. Colonel Biddulph does not seem to have had access to any new sources of information, and has simply worked up out of Orme the passages describing Lawrence's career. He has taken the trouble to look up the parentage of Stringer Lawrence, but he does not give much new biographical information. The little book is well got up and contains a map of the country round Trichinopoli, which illustrates the most famous feat of arms in which Stringer Lawrence was concerned.
H. M. S.

The Literature of American History. A Bibliographical Guide in which the Scope, Character, and Comparative Worth of Books in Selected

agree occasionally in some slight degree with the annotations; but very little in the nature of error has been discovered by the reviewer. There seems, however, no reason for the appraisal of Warfield's *Kentucky Resolutions* in two different places; on page 304, Toppan is spelled "Tappan"; attention should certainly have been called to the later edition of Adams's *Manual of Historical Literature*; no mention is made of Professor Turner's paper on the significance of the frontier, though one or two others, less important, by the same author are named; the note under *Bulletins of the University of Wisconsin* is unsatisfactory. Such slight errors can be corrected, and perhaps the list somewhat revised in a new edition. The student of American history is too grateful for the able and conscientious work of Mr. Larned to be captious and hypercritical.

The lists include but few of the books that have come from the press since 1899. Arrangements have been made for a continuation of the work from year to year under the editorship of Mr. Philip P. Wells, librarian of the Yale Law School. A supplement in pamphlet form covering the years 1900 and 1901 is expected to appear soon. The index is ample and, as far as a somewhat careful examination discloses, has been made with accuracy, intelligence and skill.

The second volume, seventh series, of the *Collections of the Massachusetts Historical Society* (Boston, 1902, pp. xvi, 491) contains the third installment of the papers of Jonathan Trumbull. They include letters and other documents, of the Revolutionary time, the earliest dated February, 1776, the latest July, 1779. The earlier documents of this period were printed in Force's *American Archives* and are not reproduced here. It is needless to comment on the great value of the material to a student of the war. The volume is crowded with interesting and significant letters. Among the most noteworthy are those written during Burgoyne's invasion; they admirably illustrate the confusion and flurry of the time. Schuyler was pleading with Trumbull for troops; Trumbull seemed to think he knew something about the situation himself; letters from his son who was with the northern army and complained bitterly of the masterly inactivity of the commanders seem to have influenced him quite as much as the communications from the much abused Schuyler; conflicting letters and requisitions for troops flowed in to the governor to increase the confusion; and the militia, when sent for service, often acted as if they had gone for the excursion, not to fight. Schuyler in describing his forces to Trumbull gives a strong statement of his difficulties: "Militia from the State of Connecticut,—one Major, one Captain, two Lieutenants, two Ensigns, one Adjutant, one Quartermaster, six Serjeants, one Drummer, six sick, and three rank and file fit for duty, the rest, after remaining three or four days, deserted us" (p. 91). There are likewise some interesting letters giving accounts of the campaign in Pennsylvania the same year, 1777. It would be difficult, in fact, to find a more valuable single volume throwing light on the military and political incidents of the time.

of Putnam, and facsimiles of his letters. A bibliography of the principal works cited is also included.

J. WILLIAM BLACK.

Nathan Hale, the Ideal Patriot. A Study of Character. With Views of the Author's Statue of Nathan Hale; Portraits of Hale's Contemporaries and of Kindred Characters; also three Drawings by W. R. Leigh together with an Introduction by George Cary Eggleston. By William Ordway Partridge. (New York and London, Funk and Wagnalls Co., 1902, pp. 134.) This volume is a bombastic eulogy of the pyrotechnic newspaper or fourth-of-July order. The data are almost entirely drawn from Stuart's *Life of Hale*, 1856, and the numerous errors of that work are perpetuated, to which Mr. Partridge has added a medley of others wrought wholly out of his own imagination. Mr. Partridge has, of course, his own pretensions (pp. 13 and 14), but Mr. Eggleston is certainly not justified in saying in his "Foreword" (p. 27), that "Mr. Partridge has studied the character, the purposes, and the personality of Nathan Hale as no other man has done since that patriot of the Revolution . . . sacrificed his life," etc. But to state the truth, it would take a larger volume than Mr. Partridge has produced, to point out his errors and give the valuable facts which he does not mention.

Dwight was not President of Yale when Hale entered (p. 46); there is not the slightest evidence that Hale marched to Lexington (p. 51); there is also no evidence of the interviews with Washington, as stated on page 52 and other pages; his account of Hale's courtship is a meshwork of fable; "Ansel Wright" (p. 69) should be Asher Wright; the repetition of Stuart's fiction about Hale's capture at Huntington, Long Island, and the tavern of a widow Chichester, is unsupported by any evidence (pp. 72 and 73); the same is true of everything stated about Cunningham (p. 82); and with the circumstantial and other evidence easily accessible, a schoolboy would not have hung Hale in Chambers Street, in a graveyard (p. 84). These are but a few out of a mass of absurdities, which appear in this freak among American biographies.

VICTOR HUGO PALTSITS.

At length an edition of the writings of Mameli has appeared worthy of the beautiful memory of this soldier-poet, the Tyrtæus of modern Italy. It is entitled *Scritti Editi ed Inediti di Goffredo Mameli, ordinati e pubblicati con Proemio, Note, e Appendici a Cura di Anton Giulio Barrili* (Genoa, Società Ligure di Storia Patria, 1902) and includes—beside the poetry of Mameli and nine of his letters—his political writings, originally published in the journals of Genoa and Rome and known to-day to few of his admirers. The edition of Mameli's writings of Genoa, 1850, the only preceding edition which contained his prose, has long been out of print, and has become very rare. Many of the writings of the new edition of 1902 are here published for the first time; of the other writings many have been re-edited from the original manu-

Daniel Webster. By Samuel McCall. (Boston and New York, Houghton, Mifflin and Co., 1902, pp. 124.) This little volume gives us, in book form, the "Webster Centennial Oration" delivered by Mr. McCall at Dartmouth in September, 1901. It is not another *Life of Webster*, but is, rather, an appreciation. The author endeavors to set before us "some estimate of Webster as a lawyer, an orator, and a statesman," and to recall "some of the great principles of government with which he was identified."

The book is not of the sort that one would consult for accurate information. It is eulogistic and argumentative—admirably suited to the occasion upon which it was delivered. The nature of Webster's education and the sources of his style are discussed. He is compared with his contemporaries and other statesmen in English history. The possibility of comparing him with Demosthenes and Cicero is denied. In treating Webster's connection with the Dartmouth college case, the author adheres—as was fitting to the occasion—to the old sentimental idea that Webster's love for his Alma Mater led him to take a passionate interest in the success of the college. He failed to note the letter in the Private Correspondence of Webster, showing that, when the quarrel between the college authorities and its enemies began, Webster was only solicitous to get into the case on *one* side or the *other*. The "Seventh of March" speech is ably defended. The political situation is reviewed, and attention called to the fact that Clay and Calhoun both regarded the time as critical. Webster, says the author, threw away his chance for the presidency by that speech. There are letters of Webster, extant, which show that he himself expected such a result. The defense of his speech is well worth the attention of those who hold that it is a stain on Webster's career.

C. H. VAN TYNE.

The Overland Stage to California by Frank A. Root and William Elsey Connelley (Topeka, Kansas, published by the authors, 1901) is a somewhat entertaining medley of personal reminiscences, border tales, and historical narrative illustrated by absurd pictures that are far from an ornament to the text. Like other books of this kind it has its obvious defects; but it is not without interest and is evidently the result of great labor and of painstaking effort to get information. Mr. Root was an express messenger in early days, and such recollections of the rough life of forty years ago as he has given constitute the best part of the book, which is likely to prove of some service to the historian who is endeavoring to recreate the western movement.

The volume *Il Generale Giuseppe Govone. Frammenti di Memorie* (Turin, Casanova, 1902), written by Ulberto Govone, son of the general, is of considerable interest for the general history of Italy, in view of the variety of important services rendered by Govone during the period 1848-1870. It is made up in part of his autobiographical memoir and of extracts from his letters. Relative to the important diplomatic mis-

Die Deutsche Einigungswerk im Lichte des Amerikanischen. Von Albert von Ruville. (Halle, Max Niemeyer, 1902, pp. 128.) In this interesting essay the author compares the processes of unification in America, 1776-1865, and Germany, 1815-1871, paying attention only to the actual political force involved, whether physical or mental and whether found with prince, leader or people. He ignores legal and constitutional forms, and, dismissing in a sentence "den unmöglichen Bundesstaatsbegriff," considers both the United States and the German Empire as unitary states, the one republican, the other monarchical. The purpose of the comparison is to show that the United States stands as a triumph of unionist over separatist tendencies; whereas the present Empire, instead of being the goal of German evolution and the consummation of national destiny, is a product of victorious secession and Prussian particularism. This difference is due to the fact that American statesmen recognized existing political forces in their constitutions and thus achieved and maintained unity, while Austrian and Prussian leaders by refusing to do likewise and establish a dual control ended by dividing the historic German race. In spite of its material success, says the author, the Empire can never stand justified before the judgment of history until it has sought and attained union with Austria. It should announce this as its policy for the future.

The author's treatment of things American is generally appreciative and sometimes laudatory, especially where a moral can be pointed at the expense of Stein, Bismarck and other "Preussisch-dynastisch" statesmen. Occasionally this is carried to an extreme, as when for example the United States is represented as having attained a complete national, territorial race unity in the sense urged for Germany,—a position hardly to be maintained as long as Canada exists. If Austria is necessary to a real Germany, Canada is equally so to a real United States.

The only point where the essay fails in any striking way to do justice to the United States is in regard to the Monroe doctrine which is condemned as having no historical basis and asserting claims which "*nur auf die zufällige Namensgleichheit zweier Kontinente gründen.*" Comment on the absurdity of the italicized phrase is unnecessary. Apart from this lapse, however, the essay is careful, thoughtful and suggestive.

T. C. S.

Thirty Years in Washington, or Life and Scenes in our National Capital. Edited by Mrs. John A. Logan. (Hartford, Connecticut, A. S. Worthington and Co., 1901, pp. xxxii, 752.) Those persons to whom *Thirty Years in Washington*, edited by Mrs. John A. Logan, shall come in the regular course of the subscription book trade will find the volume replete with that particular kind of information most relished by visitors to the capital city—curious facts, statistics of all sorts, anecdotes of persons, and incidents connected with the various places described. In the course of the century since the permanent seat of government was established in the District of Columbia a large amount of tradition has

erland Edwards. (London, John Murray, 1902, pp. vii, 284.) One cannot visit in the diplomatic circle at Constantinople without hearing three British ministers lauded as conspicuous above all the other representatives of England at the court of the Sultan. The three are Lord Stratford de Redcliffe, Earl Dufferin, and Sir William White. The career of the last named minister is less familiar to most of us than the achievements of his two great predecessors. We therefore looked with much interest for the biography of him by Mr. H. Sutherland Edwards.

His father held important posts in the British consular and colonial service. His maternal grandfather was British Envoy Extraordinary to Poland. He himself was born in Poland and spent a large part of his young manhood in that country. In 1857 at the age of thirty-three he became a clerk in the office of the British Consul at Warsaw. In 1861 he was promoted to the consulship at Dantzic, in 1876 he was sent to Belgrade as Consul General, in 1878 to Bucharest without formal credentials, but later in 1880 with the rank of Envoy Extraordinary when England recognized Prince Charles I. of Roumania, in 1885 to Constantinople as Ambassador *ad interim*, and in 1886 he received the permanent appointment to that position and held it till his death in 1891.

He had therefore extraordinary opportunities for becoming familiar with the tongues, the history and the character of the peoples of eastern Europe. His official career covered a period of most important events, the final suppression of Polish insurrection by Russia, the varying fortunes of the Balkan states during the last forty years, the Russo-Turkish War of 1877-1878, the San Stefano and the Berlin Treaties, the innumerable diplomatic discussions which those treaties caused, and the friction between Russian and English policies in Turkey between 1885 and 1891.

Now the biographer throughout his volume gives us to understand, and no doubt justly, that Sir William White by his able reports to his government and by his diplomatic skill played an important part in these affairs. But the remarkable and unfortunate fact is that he does not inform us exactly what Sir William did. He fills his book with a history, not always sequent and lucid, of the march of events in the east. He even gives us numerous interesting letters from Sir Robert Morier, Lord Odo Russell and others to White, but scarcely any letters of White on public affairs. He tells us that White made valuable reports to the British foreign office, but gives us hardly any passages from those reports. We have numerous *bons mots* and repartees of Bismarck and others, but too few words of White. We search in vain in the very complicated story of the changes in the Balkan states and of the troubles in Turkey for a precise answer to the questions, what did White really do, and how did he accomplish it? What is the basis for his high reputation in the east? The author has in fact given us a somewhat desultory sketch of the vicissitudes of the Balkan states rather than an illuminating and satisfactory history of Sir William White's diplomatic career.

J. B. A.

who thrive on speculation" (p. 140). Samuel A. Green communicates two interesting narratives of the expedition of Sir William Phips against Canada. The originals of these narratives are in the Lenox Library. One of them was written by Mr. John Wise to Increase Mather, the other is anonymous.

The American Federal State. By Roscoe Lewis Ashley. (New York, The Macmillan Co., 1902, pp. xlv, 599.) This work is intended as a text-book on politics for high schools and academies; and is a much more comprehensive treatment than the conventional books on civil government. After an introductory chapter of general definitions, there are three parts—Historical Development, Government, and Policies and Problems. The first section is too brief to take the place of a history text-book; yet it necessarily covers the same ground somewhat superficially. Probably it would be a better plan to discuss such historical facts as are necessary under the various topics and institutions. The second section includes national, state and local governments, with some attention to the usually neglected administrative authorities. The last section has a miscellaneous collection of chapters on suffrage and elections, the political party, constitutional and legal rights, taxation, money, trade and industry, foreign affairs and colonies, and the duties of citizenship. Appendixes contain the Articles of Confederation, the Constitution of the United States, and valuable tables summarizing the most important facts of state government.

Mr. Ashley increases the value of his book by some critical discussion, in which he finds more to commend than to condemn in our institutions and their working. But he cannot be compared with Mr. Bryce as a philosophical essayist. Moreover, he does not always appreciate salient facts, and in details is sometimes inaccurate. Thus he describes the English Revolution of 1689 without mentioning the Bill of Rights or the Parliamentary transfer of the Crown. His accounts of the development of bicameral legislatures and the events leading up to the Civil War are wrong in several respects. He fails to explain the undue influence of the "pivotal states" in the election of President. He discusses the judicial veto on unconstitutional legislation as if it were specifically granted in the Constitution. City charters were never granted by state governors. Municipal franchises do not give the right to supply water or gas, but the privilege of using the public streets.

A text book should be a model of good English; and in this respect the work needs serious revision. Split infinitives, "civics," "quite" (meaning rather), "etc.," and other uncouth words and phrases abound.

In addition to the text, there are suggestions for teachers, excellent bibliographies preceding each chapter, and questions and references for further investigation, all of which add much to the usefulness of the book for schools. There is, however, no mention of three very important works: Greene's *Provincial Governor*, Chambrun's *Le Pouvoir Exécutif aux États Unis*, and Dunbar's *Chapters on Banking*. J. A. F.

and Historical Society, 1902.) The title of this book is rather misleading, since it is purely archæological in character, dealing with mounds and other relics and not at all with historical events, even when it is concerned with Indian tribes of recent times. Nevertheless the book has historical value of a negative character, since the author devotes the greater part of the first twelve chapters to destructive criticism of exaggerated theories and unsupported assertions about a mysterious vanished race of civilized "mound builders." On the constructive side the book contains practically nothing. The writer rather inclines to believe that the hilltop forts were built by an invading race, the valley works by a settled one, but he avoids committing himself definitely. "We have no data," he says in conclusion, "from which can be determined what people built these mounds and enclosures, whence they came, how long they lived here, when or why they left, or whether they left at all, whether they were exterminated by other tribes or faded away from natural causes, or what finally became of them. . . . But we have abundant reason for asserting that in no particular were they superior to or in advance of many of the known Indian tribes."

The author's real independence of view, cautiousness as to opinions and willingness to differ from other writers is somewhat obscured by a mass of quotations which make the book look upon cursory examination like a mere compilation. It is in reality much more than that, and, with the exception of one chapter, where the author discards his caution and enters upon a thoroughgoing defense of the Indian race from any and all criticisms passed upon it, ought to be considered a necessary preliminary to any future history of Ohio. It clears the way.

T. C. S.

tributions to historical literature are *The Beginners of a Nation* (1896), which is a charming narrative of parts of our early colonial history, and *The Transit of Civilization from England to America in the Seventeenth Century* (1901). These two volumes were to constitute portions of what the author called "A History of Life in the United States"—portions of a task for which Dr. Eggleston's studies and talents specially fitted him, but which he has not lived to accomplish.

The interests of Southwestern history have sustained a sad loss in the death of Dr. Lester G. Bugbee, which occurred on March 17. Though not quite thirty-three years old he had already accomplished much. His most important writings are articles on *The Old Three Hundred* (in the Texas Historical Association Quarterly, I.); *The Real Saint-Denis* (ibid.); *What became of the Lively* (ibid.); *Some Difficulties of a Texas Empresario* (Publications of the Southern History Association, April, 1899); *The Texas Frontier, 1820-1825* (idem, March, 1900); *The Archives of Bexar* (Texas University Record, October, 1899); *Slavery in Early Texas* (Political Science Quarterly, XIII.); and also he had completed the larger part of a life of Stephen F. Austin. With all of these Dr. Bugbee was a specially effective and popular teacher. His work at the University of Texas, where he was adjunct professor of history, will not soon be forgotten.

Lord Acton, after a year's illness, died June 19, at Tegernsee in Bavaria. Born in 1834, member of Parliament from 1859 to 1865, peer from 1869, lord in waiting to the Queen from 1892 to 1895, adviser of Gladstone, profound lay Catholic theologian and leader against ultramontanes, and in these latter years professor of history at Cambridge, he most impressed his fellowmen as a scholar. Withal he wrote little; an article on the Massacre of St. Bartholomew, another on the German schools of history, the well-known inaugural lecture, and the introduction to Burd's *Il Principe* of Machiavelli are so far the most we have had from him. However, he carried on the "Cambridge Modern History" until failing health compelled him to leave it to others, and it is said that he had been collecting for years material for a general history of civil and religious liberty in Europe. He preferred to know, to absorb rather than write; and by vast reading and a marvelous memory he came to be possibly the most erudite historical student of his day. At the same time he kept details in a large perspective; his fastidious accuracy and passion for completeness might otherwise have savored of pedantry. Thus equipped, he influenced others especially by association and example, his knowledge and counsel being much sought and freely given.

From Germany and Austria comes report of the death of Professor Ihne, author of the *Roman History*; Dr. Julius Köstlin, biographer of Luther; Pastor Tollin, author of studies on the Huguenots and on Servetus; Wilhelm Martens, church historian; Dr. Adolph Beer, who worked particularly in Austrian history of the later eighteenth century; and Dr. Max Büdinger, writer of the Ranke school and in many fields. Also,

Mr. Nelson Case, in an octavo of some four hundred and twenty pages, attempts to set forth the origin and development of the governments of modern Europe, from the fall of the western Roman empire to the close of the nineteenth century: *European Constitutional History* (Cincinnati, Jennings and Pye).

Ten Thousand Miles in Persia, by Major Sykes, besides being a record of travel in eastern and southern Iran contains considerable historical matter, especially with reference to the journeys of Alexander the Great and Marco Polo (London, Murray).

Mention may well be made here of *The Oxford History of Music*, which began to appear early this year. It will consist, when completed, of six volumes. Most histories of music are given especially to biography; this one is to show the continuous evolution of music: it will deal "with the art rather than the artist" (Clarendon Press). We note also the publication of *Music in the History of the Western Church*, by F. Dickinson, with an introduction on religious music among primitive and ancient peoples (New York, Scribners).

The new volumes of the *Encyclopædia Britannica* represent an endeavor to bring that work up to modern requirements; and the additions will be extensive, the third volume going only to "Eld." An index, too, is promised for the completed work—the ninth edition and the new volumes (London, A. and C. Black and the *Times*). We note also the publication of the second volume of *The Jewish Encyclopedia*, covering the subject from "Apocrypha" to "Benash" (Funk and Wagnalls).

Mr. Jonathan Nield has served his fellows not unwell by tabulating several hundred historical novels according to the period in which their scenes are laid: *A Guide to the best Historical Novels and Tales* (Putnam's). This list will no doubt supersede the one by Mr. H. C. Bowen, published some twenty years ago.

ANCIENT HISTORY.

The Clarendon Press has issued the first of a series of volumes on the history of Egypt until the Roman conquest: *History of Egypt from the end of the Neolithic Period to the Death of Cleopatra*, by E. A. W. Budge. Vol. I., *Egypt in the Neolithic and Archaic Periods*.

A late book by Mr. C. W. C. Oman treats of the Gracchi, Sulla, Crassus, Cato, Pompey, and Cæsar: *Seven Roman Statesmen of the Later Republic*. It is intended "to show the importance of the personal element in those miserable days of storm and stress" (Longmans). Here also may be noted a fall announcement in the "Heroes of the Nations": *Augustus Cæsar, and the Organization of the Empire of Rome*, by Mr. J. B. Firth (Putnam's).

The second volume of *Les Institutions juridiques des Romains*, by M. Édouard Cuq, appeared in the summer; it bears the sub-title: "Le Droit classique et le Droit du Bas-Empire" (Paris, Plon-Nourrit).

are some twenty chapters by near as many writers. Dr. Henry C. Lea, for America, deals with "The Eve of the Reformation." The following list indicates the titles of the remaining volumes: II. The Reformation; III. Wars of Religion; IV. The Thirty Years' War; V. Bourbons and Stuarts; VI. The Eighteenth Century; VII. The United States; VIII. The French Revolution; IX. Napoleon; X. Restoration and Reaction; XI. The Growth of Nationalities; XII. The Latest Age. The successive volumes are to be published in two series, beginning respectively with Vol. I. and Vol. VII.; and it is hoped to issue two each year (The Macmillan Company).

Announcement has been made of a new series of special monographs devoted to the history and literature of the Italian Renaissance: *Biblioteca Storica del Rinascimento*, edited by Signor F. P. Luiso. It will deal with special phases of Renaissance life and culture, with the less known of the humanists and with minor but significant figures in the history of the period. The first volumes on the list are Guido Mazzoni's translation of Munz's book on the precursors of the Renaissance, with additions by the author, and Schiaparelli's *La Casa Fiorentina nei Secoli XIV. et XV.* (Florence, Sansoni).

An English edition has been made of F. Kircheisen's bibliography of Napoleon, already issued in both German and French: *Bibliography of Napoleon* (London, Low). It appears from the preface to be a preparatory work, comprising a selection from some thirty thousand titles. By way of bibliographies in the field of modern history note may also be made of a *Repertorium der neueren Kriegsgeschichte, von * ** (Oldenburg, G. Stalling). It, too, is a selection, prepared primarily for German officers.

A History of the Nineteenth Century Year by Year, by Edward Emerson, Jr. (P. F. Collier), which is designed "to group in moderate compass the central facts of each country's development during the past century in such a way as to make them easily accessible to the inquirer," will be published soon by Messrs. Dodd, Mead and Co. in a new edition.

In *Progress of South Africa in the Century* Dr. Theal practically gives a history of Africa south of the Zambesi from 1795 to 1899, or from the first English occupation of the Cape to the outbreak of the recent Boer war (London, Chambers).

The publication is begun of the diplomatic correspondence between France and Russia from 1814 to 1830, under the care of the president of the Imperial Historical Society of Russia, A. Polovtsoff: *Correspondance diplomatique des Ambassadeurs et Ministres de Russie en France et de France en Russie avec leurs Gouvernements*. Vol. I., 1814-1816 (Paris, L. Conard).

Messrs. Little, Brown and Co. are bringing out a new volume by Captain Mahan under the title *Retrospect and Prospect*. It contains essays on the development of political feeling and outlook in the United States

The *South Atlantic Quarterly* for July has an article, by Dr. Bernard C. Steiner, on "Two New England Rulers of Madras." It treats of Elihu Yale, governor from 1687 to 1692, and of his successor, Nathaniel Higginson, who held office until 1698.

The letters of Monsieur César de Saussure to his family, giving the impression formed of England by an educated Frenchman during his stay there in 1725 to 1729, have been translated and edited by Madame van Muyden: *A Foreign View of England in the Reigns of George I. and George II.* (London, Murray).

A presentation of the main outlines of English history—a certain knowledge of the facts being presupposed—is the purport of a little volume by Miss Lucy Dale: *The Principles of English Constitutional History*, published in this country by Longmans, Green and Co.

Students of the history of English municipal institutions will note with pleasure, in the *English Historical Review* for July, the first part of a considerable study, by Miss Mary Bateson, entitled "A London Municipal Collection of the Reign of John." They will also be interested in the progress of the "Calendar of Letter Books of the City of London"; the latest volume contains Letter-Book D, which is mainly concerned with the years 1309-1314, and a detailed introduction by the editor, Dr. Sharpe.

The second issue in "The Historic Families" series—it will be recalled that the first dealt with the Douglasses—gives a record of the Percys: *A History of the House of Percy*, 2 vols., by Gerald Brennan (London, Freemantle).

Noteworthy article: C. H. Firth, *Cromwell and the Crown* (English Historical Review, July).

FRANCE.

It is announced that the *Répertoire Méthodique du Moyen Age français*, published for two years (1894 and 1895) by M. A. Vidier, is to be revived. It will cover in the next issue publications of 1901, will appear as formerly in connection with *Le Moyen Age*, and will be under the direction of M. R. Poupardin.

The fifth volume of the *Catalogue des Manuscrits Français*, recently issued, with a preface by M. Léopold Delisle, completes the inventory of the old body of French manuscripts in the Bibliothèque Nationale. A general alphabetical index of the work will appear in due time (Paris, Firmin-Didot).

The status of studies relating to the economic history of France in the Middle Ages is the subject of an excellent article by M. P. Boissonnade in the *Revue de Synthèse Historique* for June: "Les Études Relatives à l'Histoire Économique de la France au Moyen Age."

The publishers have distributed the first fascicle of the *Lettres Secrètes et Curieuses du Pape Urbain V se rapportant à la France*, drawn from the registers in the Vatican by P. Lecacheux. There will be five

Noteworthy articles in periodicals: H. See, *Les Idées politiques au Temps de la Fronde* (Revue d'Histoire Moderne et Contemporaine, May-September); Alfred Bourget, *Le Duc de Choiseul et la Hollande*, I. (Revue Historique, July); F. des Robert, *Le Marquis de Dangeau et le Palatin, 1672-1673* (Revue des Questions Historiques, July); M. Marion, *Un Épisode du Mouvement de 1789 à Bordeaux, d'après un Document Inédit* (Revue d'Histoire Moderne et Contemporaine, May-September); A. de Ganniers, *Les Écoles militaires en France sous la Révolution* (Revue des Questions Historiques, July).

ITALY, SPAIN.

Two important additions have been made this year to the Villari historical series: *L'Imperatore Giuliano l'Apostata*, by G. Negri, and *L'Epoca delle Grandi Scoperte Geografiche*, by Professor Errera, of Turin, (Milan, Hoepli).

Mr. R. M. Johnston sends us word of his discovery of a copy of the memoirs of Queen Mary Caroline, a manuscript which he describes as especially informing upon the Queen's relations with Lord William Bentinck; as dealing at length with the years 1805 to 1814; and as containing in an appendix copies of a large number of documents, many unpublished, some of importance. It appears in this connection that Mr. Johnston is engaged upon a history of Naples from 1805 to 1821.

Students of the "Risorgimento" welcome the publication of Volume III. of Arbib's important *Cinquant Anni di Storia Parlamentare del Regno d'Italia* (Rome, Tipografia della Camera dei Deputati, 1902). This volume covers the years 1863-1870; other volumes are in preparation. It is to be regretted that the writer holds so closely to the analytical method in his account of the parliamentary discussions. An occasional sympathetic view of Italian political thought, as expressed by the representatives of the nation, would have added much to the value of the work.

De Fellissent's *Il Generale Pianell e il suo Tempo* (Verona, Drucker, 1902) is a biography, properly so called, and the only such book yet written upon that able and prominent Italian general. It is of considerably less interest, however, than Pianell's own *Lettere e Ricordi Familiari* (Naples), published a year ago by his widow.

Spanish historical publications of the past year include notably, in the matter of sources, two new volumes (IV. and V.) of *Cortes de los Antiguos Reinos de Aragón y Valencia y Principado de Cataluña*, containing acts of the Catalan Cortes for the years 1377-1410; the twentieth volume of *Actas de las Cortes de Castilla*, comprising documents of the years 1602-1604; and three additions to the *Monumenta Societatis Jesu*: "Epistolæ P. Nadal," "Epistolæ Mixtæ," and "Monumenta Pædagogica."

Among the new books relating to the general history of Spain are *La Moneda Castellana*, by Señor Vives; *Don Juan de Austria en Flán-*

geographical field, that part of North America which is now the United States; and personal, social and economic factors are to enter in, as well as political. The divisions of the work will be chronological; "the log shall be sawed into sections, not split into rails." According to the proposed plan, the several sections have been grouped and named and distributed to writers as follows: *Group I.—Foundations of the Nation.* 1. European Background of American History (XV.—XVI. Centuries). Professor E. P. Cheyney. 2. American Conditions of American History (XV.—XIX. Centuries). Mr. W J McGee. 3. Spain in America (1450–1580). Professor E. G. Bourne. 4. England in America (1580–1652). President L. G. Tyler. 5. Self-Governed Colonization (1652–1689). Professor Charles M. Andrews. *Group II.—Transformation into a Nation.* 6. A Half-Century of Commonwealth Building (1690–1740). Professor E. B. Greene. 7. The French and the English (1750–1763). Mr. R. G. Thwaites. 8. Preliminaries of the Revolution (1763–1776). Professor George E. Howard. 9. The Revolution (1776–1789). 10. Constitution Building (1781–1789). Professor A. C. McLaughlin. *Group III.—Development of the Nation.* 11. The Federalist System (1789–1801). Professor McLaughlin. 12. The Republican System (1801–1811). Professor Edward Channing. 13. The Nation Finds Itself (1811–1819). Professor K. C. Babcock. 14. The New West (1819–1829). Professor F. J. Turner. 15. The New Democracy (1829–1837). Professor William McDonald. *Group IV.—Trial of Nationality.* 16. Elements of the Slavery Contest (1834–1841). Professor Hart. 17. Westward Extension (1841–1850). Professor George P. Garrison. 18. Politics and Slavery (1851–1859). Professor T. C. Smith. 19. Elements of the Civil War (1859–1861). Mr. W. G. Brown. 20. The Appeal to Arms (1861–1863). Mr. J. K. Hosmer. 21. Outcome of the Civil War (1863–1866). Mr. Hosmer. *Group V.—National Expansion.* 22. Reconstruction, Political and Economic (1866–1877). Professor W. A. Dunning. 23. New Foundations for National Life (1877–1885). 24. Problems of the Wealthy Republic (1885–1897). Mr. W. C. Ford. 25. America the World Power (1898–1905). Professor J. H. Latané. 26. Ideals of American Government (1870–1905). Professor Hart.

Messrs. Harper and Brothers are issuing this fall *A History of the American People*, in five volumes, by President Woodrow Wilson. The first three hundred and fifty impressions will form a "limited alumni edition," offered to alumni of such colleges as have known Dr. Wilson as an instructor or have honored him with a degree.

Two volumes of essays left ready for the press by Mr. John Fiske are being published this autumn by the Macmillan Company, under the title *Essays: Historical and Literary*. They refer mainly to prominent characters in American history.

Students of the period of discovery will note with interest a new book by Henry Vignaud, First Secretary of our Legation at Paris: *Toscanelli*

Readers in American History. No. 1, *Colonial Children*, selected and annotated by Professor A. B. Hart, with the collaboration of Miss Blanche E. Hazard (Macmillan); *Studies in United States History*, a guide for the use of students and teachers, by Sara M. Riggs (Ginn and Co.).

It is said that Mr. Paul Leicester Ford was at work, at the time of his death, upon an extensively annotated edition of Weems's *Washington*, and that he had it so far along that it is possible to complete it.

In a letter in the New York *Evening Post* of August 14, Dr. Herbert Friedenwald gives some new information in regard to the date of the signing of the Declaration of Independence. Elbridge Gerry wrote Samuel and John Adams from Kingsbridge, July 21: "Pray subscribe for me the Declaration of Independency, if the same is to be signed as proposed. I think we ought to have the privilege, when necessarily absent, of voting and signing by proxy." Moreover, assuming that August 2 was the date of the general signing, Gerry must be classed with Thornton and McKean as a later signer; since he did not return to Philadelphia until September 1, and since his "signature, like McKean's, comes at the end of the delegation from his State and is somewhat crowded in."

The United States Catholic Historical Society has published, as the first number in a series of "Monographs," *Unpublished Letters of Charles Carroll of Carrollton, and of his Father, Charles Carroll of Doughoregan*, compiled and edited, with a memoir, by T. Meagher Field.

The Reverend A. M. Sherman enters considerably into the Revolutionary War in *The Life of Captain Jeremiah O'Brien of Machias, Me.* Former secretary John D. Long contributes the introduction (Lynbrook, New York, G. W. Sherman).

The Loyalists of the American Revolution, by Dr. C. H. VanTyne, Senior Fellow in the University of Pennsylvania, will be published this autumn. A history of the political and social struggle between the American Whigs and Tories, it treats a relatively neglected side of the Revolution, and especially from material hitherto not used (Macmillan).

Mr. D. H. Chamberlain read before the Massachusetts Historical Society, at its May meeting, a valuable paper on "The Historical Conception of the United States Constitution and Union," in which he examined a dictum by Mr. Goldwin Smith and a statement of Mr. Henry Cabot Lodge, to the effect that at the beginning every one supposed that a state could at any time peaceably and legally withdraw from the Union. Mr. Chamberlain does not simply plead the general issue and leave the affirmative to its proofs—which might indeed have been sufficient. He examines the material and lays down in his turn the positive statement that "there was not a man in the country who thought or claimed that the new system was anything but a perpetual Union."

The documents printed in the June and July *Bulletins* of the Boston Public Library consist of letters bearing mainly on the politics of the fourth and fifth decades of the last century; with two exceptions they belong to the years 1828-1848. Those in the August and September numbers are of earlier date, 1674-1770. Besides letters they include, among other pieces: an action of the Privy Council on petition of John Usher, treasurer and receiver general of New England (1689); a committee report in reference to the Boston Free Grammar School, in 1710; and a deposition concerning the impressment of one Edward Maylem.

The second volume of the *Political History of the United States; with Special Reference to the Growth of Political Parties*, by J. P. Gordy, was published in the summer. It presents its facts with a view toward two conclusions: "That unwise financial legislation was primarily responsible for the dangerous position of the country at the close of the War of 1812, and that public opinion of the North with reference to the negro prior to 1830 differed but little from that of the South; the greater readiness to free him in the former section having been due to the fact that if freed he would live in the South" (Henry Holt and Co.).

Lincoln and General Sherman are portrayed in two late issues of the "Biographies of Famous Men," the former by Joseph H. Barrett and the latter by W. F. Johnson (Chicago, M. A. Donohue and Co.). Also, apropos of Lincoln, the Century Company will publish a condensed edition, prepared by the late John G. Nicolay, of the Nicolay-Hay life, designed to contain all the essential facts of the ten-volume edition.

Among new books bearing on the Civil War are *The first New York (Lincoln) Cavalry from April, 1861, to July 7, 1865*, by W. H. Beach (Milwaukee, C. N. Caspar Co.); *History of the Sixty-eighth Regiment, Indiana Volunteer Infantry, 1862-1865*, with a sketch of E. A. King's brigade, Reynold's division, Thomas's corps, in the battle of Chickamauga, by Edwin W. High (Metamora, Indiana, by the author).

Among the most interesting of the fall announcements is Dr. Edward Everett Hale's *Memories of a Hundred Years* (Macmillan).

The Founders of the Massachusetts Bay Colony, by Sarah Saunders Smith, is published as "a careful research of the earliest records of many of the foremost settlers of the New England Colony, compiled from the earliest church and state records" (Washington, Woodward and Lothrop).

The last numbers (9 and 10) have been published of Mr. W. W. Tooker's Algonquian series of *Researches Relating to the Early Indians of New York and New England* (New York, F. P. Harper).

The history of Long Island forms the subject of an illustrated three-volume work by P. Ross: *A History of Long Island, from its Earliest Settlement to the Present Time* (New York and Chicago, Lewis Publishing Co.).

historical papers, documents, genealogies and genealogical notes, short articles on minor topics, news, notes and queries, book notes and reviews, and pertinent illustrations. The editor is one of its owners, Thomas M. Owen, Director of the Department of Archives and History for the State of Alabama, and Secretary of the Alabama Historical Society. The first number, which bears the date of July, 1902, contains chiefly "The Beginnings of French Settlement of the Mississippi Valley," by P. J. Hamilton; "John Adair's Observations on Men and Affairs in the Old Southwest, 1809," with notes by R. T. Durrett; "Reminiscences of a Long Life," by Barnard Shipp; and "The Tragedy of the Commissariat," by J. W. DuBose.

Number 4 of the current series of "Johns Hopkins University Studies in History and Political Science" embodies "an effort to trace the development of the public highways of Alabama and to point out their influence upon immigration and settlement": *Internal Improvements in Alabama*, by W. E. Martin (Baltimore, Johns Hopkins Press).

In the July number of the *Quarterly of the Texas Historical Association* Mr. R. C. Clark continues his studies in early Texas history, writing this time upon "Louis Juchereau de Saint-Denis and the Re-establishment of the Tejas Missions"; and Mr. I. J. Cox, fellow in American history at the University of Pennsylvania, treats of "Educational Efforts in San Fernando de Bexar."

"Un Saintongeais Missionnaire chez les Illinois; Gabriel Richard (1769-1832)," by L. Grasilier, appeared in the *Revue de Saintonge et d'Aunis*, for May, 1902. Richard was at one time Delegate in Congress from the territory of Michigan.

The July number of the *Annals of Iowa* gives the concluding portion of Dr. Herriott's "Chapters in Iowa's Financial History," and has besides, among other matter, "The Flood of 1851," by Tacitus Hussey.

The seventh volume of the *Transactions of the Kansas State Historical Society* contains a number of addresses and papers, most of them recollections referring either to the slavery struggle in Kansas or to the trials of the early frontier life. The paper of most general and permanent value is probably one on the "Sources of the Constitution of Kansas," by Miss Rosa M. Purdue.

Two important books on Mormon history appeared in the course of the summer: *The Story of the Mormons; from the Date of their Origin to the Year 1901*, by W. Alexander Linn (Macmillan); and *The Founder of Mormonism* by I. W. Riley, with an introduction by Professor G. T. Ladd, of Yale (Dodd, Mead and Co.).

In the June number of the *Quarterly of the Oregon Historical Society*, M. C. Gerge writes upon the "Political History of Oregon from 1876 to 1895"; Francis Fuller Victor gives a sketch of the First Oregon Cavalry; and H. S. Lyman contributes "Recollections of Horace Hol-

den," which relates Mr. Holden's reminiscences in regard to his adventures in the Pacific Ocean, among the cannibals of Polynesia, some seventy years ago.

"The Alaska-Canadian Frontier," by T. W. Balch, is reprinted from the *Journal of the Franklin Institute*. It reviews the history of the line between Alaska and the British possessions, together with the negotiations between America and Great Britain, since 1825, in regard to it, and concludes in favor of the American contention. There are eight maps (Philadelphia, Allen, Lane and Scott).

Noteworthy articles in periodicals: Don C. Barrett, *The Supposea Necessity of the Legal Tender Paper* (Quarterly Journal of Economics, May); H. Morse Stephens, *Some Living American Historians* (The World's Work, July).

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¹ Like Mucklewrath he discovered in the Bible a storehouse of invective. There is a curious example of this in a letter to Carlstadt in which Luther says he would never have deigned to meet Eck at all in the approaching disputation at Leipzig, *nisi pro populo Christi phrenapatas, matalogos, authades, et aeschrocerdes oportuisse redarguere*. These singular *Schmähwörter* are adaptations from the Greek of the Epistle to Titus.

² Compare the following passage in the "Address to the German Nobility," in which Luther rivals Kent's famous tirade in Lear. "Dieser Muthwille und lügenhafte Vorbehalt des Papsts macht nun zu Rom ein solch Wesen, dass niemand davon reden kann. Da ist ein Kaufen, Verkaufen, Wechseln, Tauschen, Rauschen, Lügen, Trügen, Rauben, Stehlen, Prachten, Hurerei, Büberei, auf allerlei Weise Gottesverachtung, dass nicht möglich ist dem Antichrist, lästerlicher zu regieren."

The conservative party, on the other hand, was no more restrained or judicial in its utterances. To them Luther was a fellow who appeared to be "not so much a man as a wicked demon in the form of a man, clothed in the garb of a monk." He has drawn anew all the old errors from hell and collected them "in one stinking puddle." He urges the laity "to bathe their hands in the blood of the priests." He is dragging the credulous German people "in a pitiable fashion towards the abyss of damnation." "His writings breathe out nothing else than sedition, destruction, war, slaughter, rapine, and fire; they are calculated to cause the total destruction of the Christian faith, because he advocates a loose, licentious life, freed from all restraint of law and wholly brutish." These expressions are taken from well considered state papers, and are not simply the outbursts of personal spite.¹

It would, in short, exhaust the rank vocabulary of an irritated Dryden or Pope merely to adumbrate in English the descriptions which each religious party has transmitted to the historian, of the character and motives of the other. For reckless scandal-mongery it would be hard to find anything more outrageous than the Protestant description of Tetzels which still has some currency, or, on the other hand, the vile anecdotes in regard to Luther which Cochlæus has handed down to successive generations of Catholic writers even to the present day. Consequently, as the student of the period descends into the arena, he is deafened by the discordant cries that reach him from every side; yet he must listen with composure and an open mind as Reuchlin and the Cologne professors, Luther, Eck, Prierius, Hutten, and the rest fill the air with mutual recriminations. He must not only listen, he must seek the truth in raging utterances in which all other considerations seem to give way before political and party animosities.

Party rancor is, of course, by no means confined to the early part of the sixteenth century; the worst of it is that the party rancor of this particular period has been perpetuated, and will be perpetuated for a long time to come. The old issues are by no means dead, especially in Germany, to which we have become accustomed to look for constant aid in solving the historical problems of the times.

The period has always had a peculiar attraction for those interested first and foremost in theology, and, with all respect to the signal contributions which have been made by writers of this sort, the general surrender to them of special research in this field has

¹ Compare the Decree of the Diet of Worms (1521), and a mandate of the bishop of Worms (1524).

been doubly disadvantageous from the standpoint of the historian. In the first place, just those phases of the movement have been emphasized which are still, and will be for an indefinite time to come, subjects which few can treat in a perfectly fair-minded way. In the second place, the exclusive attention to the theological and religious phases of the revolt has blinded most of the writers in the past to the equally fundamental social, political, intellectual, economic and institutional changes that accompanied the religious.

A generation ago a distinguished and eloquent German scholar, Wilhelm Maurenbrecher, prepared a remarkable review of the literature relating to the Lutheran movement that had appeared since the days of Myconius and Cochläus down to the year 1870.¹ From the standpoint of the open-minded historical student who approaches the great theme with none of the predilections of the Protestant, the Catholic, or, above all, of the anti-clerical, but with some understanding of each of them, the results of Maurenbrecher's essay are far from cheering. Aside from the arid *Commentary* of Seckendorf, published in 1688, he finds little or nothing to commend in the innumerable accounts of the subject which preceded that of Ranke (1839-1848).

For the latter writer he professes the admiration which German scholars always express for Ranke, and which to some of us nowadays appears exaggerated and rather inexplicable. We must recollect, however, that the brilliancy of Ranke's work has paled by reason of the very success of the reforms which he did so much to establish in the writing of history. He should be compared, not with the best scholars of to-day, but with Schlosser, Robertson, and d'Aubigné, if we would estimate his true place in the advance of historiography. Ranke at least placed the religious movement in its political setting in a way that none of his predecessors had done. Before the appearance of his book the field had been left mainly to the theologians, who had not only failed to interest themselves in more than one phase of an extremely complex movement, but, what was worse, had each had a system to defend, so that they contributed little to that particular species of theological knowledge of which the lay historian has need.

No one doubts the essential importance of an understanding of the theological issues, even for the student who is ordinarily indifferent to questions of doctrine. But one may seek in vain in a great part of the older treatises on the Reformation, both Protestant and Catholic, for the kind of knowledge which he desires. The Protestant writer is unconsciously led to systematize the uncer-

¹ *Studien und Skizzen zur Geschichte der Reformationszeit.* Leipzig, 1874.

His especial interest in religious motives leads him unconsciously to neglect or belittle the importance of all others. In this way his presentation of the case is made to appear plausible and it has until recently been generally accepted without suspicion.

The ardor of the Catholic writer has led him into an equally fatal misapprehension of the situation. His doctrinal bias blinds him to the spiritual grandeur of Luther's work. It is inconceivable to him that anything worthy of the name of religious sentiment could have produced so perverse a rebellion as that of the Protestants. He naturally tends to discover *irreligious* explanations where he should have found only *unreligious* ones. Luther's denial of freewill is ascribed, for instance, not to his study of Augustine, but to his contamination by pagan poets; his attitude towards the celibacy of the clergy to his desire to marry; his deprecation of good works to his natural tendency to licentiousness.

We appear now to be on the point of developing an idea of the scope and cause of the Protestant Revolt that differs radically from the traditional one. Recently one of our most prominent students of the history of the church ventured the assertion that the Reformation could scarcely be called a religious revolution at all. This will seem at first sight utterly paradoxical to most readers; it may certainly prove to be an over statement, but there are nevertheless weighty arguments which may be adduced in support of this conclusion.

The secular study of the medieval church is making clearer and more incontestable from day to day the truth that that institution was by no means exclusively religious. It was not only organized like a modern bureaucracy but it also performed many of the functions which have in modern times been left to the civil government. It dominated the intellectual and profoundly affected the social interests of western Europe. As an economic factor its influence was multiform and incalculable. Mr. Cunningham has very properly emphasized the economic rôle of the monasteries, and other writers, the influence of the church's teaching in regard to usury. When we consider that in the fourteenth century one-third of all the real estate in England is said to have been in the hands of the church, and that the Good Parliament complained that the taxes levied by the Pope upon his English subjects were five times as great as those exacted by the King, we gain some appreciation of the manifold ways in which the existence of the church must have deeply influenced the general economic situation.

The question naturally presents itself, did the public in Germany during the period immediately preceding the Protestant Revolt look

and its abolition consequently inevitable. Unfortunately, this crude solution of the problem proved too much ; for conditions were no worse immediately before the revolt than they had been for centuries, and a new theory was logically demanded to explain why these conditions had failed to produce a change long before it actually occurred.

In spite of the harsh criticism to which Janssen's great work on Germany in the sixteenth century¹ has been subjected, it is unquestionably the most important single contribution to the subject during the past thirty years. It has already profoundly and beneficently affected our conception of the whole movement. It has shaken the Protestants from their dogmatic slumber and supplied most important data to the scientifically disposed. The first volume is by far the most important, for it treats of the antecedents of the conflict and of the conditions in Germany during the fifty years preceding Luther's secession from the Roman Church. It is just this period which has been most consistently neglected, in spite of its supreme importance. Protestant writers earlier contented themselves with a brief caricature of the church, a superficial account of the traffic in indulgences, and a rough and ready assumption, which even Köstlin makes, that the darkness was greatest just before the dawn.

It was not left, however, for Janssen to give us our first insight into the spiritual life that prevailed during the latter part of the fifteenth century and the early part of the sixteenth. A humble, patient Bohemian priest, Hasak, set to work, to the great credit of his church, to bring together the devotional works published during the seventy years succeeding the invention of printing.² A consideration of his remarkable collection of tracts cannot fail to make a deep impression upon the reader who is familiar only with the conventional Protestant introductions to the Reformation. Everyone

¹ *Geschichte des deutschen Volkes seit dem Ausgange des Mittelalters* (Freiburg im Br.). The first and perhaps the most important volume, dealing with the conditions in Germany before the opening of the Lutheran Revolt, has reached the sixteenth edition. The last half of the work, Vols. V.-VIII., relate to the conditions before the opening of the Thirty Years' War. Of late years the successive editions have been edited by Ludwig Pastor, who is now editing in addition a series of monographs, *Erläuterungen und Ergänzungen zu Janssens Geschichte des deutschen Volkes*. Three volumes of these monographs have appeared since 1898 and correspond in the field of Roman Catholic scholarship to the long series of *Schriften des Vereins für Reformationsgeschichte*. The English translation of the earlier part of Janssen's work published by Herder in St. Louis unfortunately omits in great part the notes and references which form such a valuable adjunct in the German editions.

² *Der christliche Glaube des deutschen Volkes beim Schluss des Mittelalters dargestellt in deutschen Sprachdenkmälern, oder fünfzig Jahre der deutschen Sprache im Reformationszeitalter von 1470-1520.* (Regensburg, 1868.)

Now, in the same way we should approach and seek to explain the success of the Protestant Revolt. Outwardly it would seem to have begun when Luther finally made up his mind to burn the law and constitution of the church at the end of 1520 — an act comparable to the storming of Fort Sumter. But neither Luther's act nor the firing in Charleston Bay would have meant much had it not been for a long-elaborated public sentiment, which gave to each its historical significance. We should, therefore, to take a single instance, rejoice in the proof that Hasak and Janssen furnish of the continuity of spiritual life in Germany. The popularity of the earlier editions of the Bible is a far better explanation of the vogue of Luther's translation than the old mistaken assumption that Luther was practically the first to bring the Scriptures to the attention of the people. The constant appearance of little manuals of devotion and piety before Luther began to write his tracts serves better to explain the influence of Luther's words than the assertion that the German people were given over to mere superstition and ceremonial rites. To Janssen belongs the great credit of first illustrating the great good which must come of a careful and sympathetic study of the whole civilization of Germany in the fifteenth century.

Of the newer general accounts of the Lutheran Revolt, that of Bezold¹ is distinguished by its author's breadth of interest and fairness of attitude. It comes pretty near being a really satisfactory popular treatment of the subject. The entire absence of references to the authorities is, however, an unpardonable omission in the eyes of the more exacting student. One never takes up a volume of the really noble series edited by Professor Oncken, to which this belongs, without a feeling of astonishment that such distinguished scholars should have consented to devote years of labor to an enterprise deliberately planned so as to exclude all gratification of the scholar's legitimate desire to sanction his statements by appealing to the sources. The fifth volume of Creighton's monumental *History of the Papacy* gives a brilliant review of the period we are considering. The ninth volume of Hefele's *Conciliengeschichte* as continued by Cardinal Hergenröther² is on the contrary distinctly disappointing.

Maurenbrecher himself undertook to remedy some of the deficiencies in the current conceptions of the Reformation by a study of the conservative movements toward reform.³ The single volume

¹ *Geschichte der deutschen Reformation*, 1890.

² Freiburg im Br., 1890.

³ *Geschichte der katholischen Reformation*, Erster Band (Nördlingen, 1880).

The most recent and in several respects the most novel of the lives of Luther is that of Arnold Berger,¹ whose chosen field of work is literature, not history or theology. He regards the Protestant Revolt as "a gigantic struggle against the culture of the preceding thousand years." He would bring Luther's work into its relation with the *Laienkultur*, for this he believes to be the decisive but consistently neglected element in the general situation.

Berger prefaces his biography with a little volume called *The Culture Problems of the Reformation*,² in which he sketches the dominant ideas of the Middle Ages, dealing especially with the historical significance of the three great words, church, asceticism, and Augustinism. The advantage of such an introduction is obvious, for even if it adds nothing to the knowledge which is scattered about in a number of standard works, it presents better than any book with which I am familiar the elements that reveal the terrific meaning of the struggle in which Luther and his followers engaged. Berger recognizes more fully than most Protestant writers the all-comprehending influence of the church, which, as has been said, is too often represented as simply a religious organization. Berger's work is, however, but a suggestion of the great prolegomenon which must some time be written if we are ever to understand the Lutheran Revolt. We really know far too little as yet of the actual workings of the church before the Protestant schism. Even the ways in which it performed its religious functions are only recently becoming tolerably clear. We are really only just beginning to suspect the implications of that tremendous term—the *Medieval Church*, and so long as that term is not comprehended in all its bearings, no one can do more than guess at the real issues of the supreme conflict which led to the permanent disruption of the great international ecclesiastical state which the Roman Empire bequeathed to the Middle Ages.

Besides the Lutheran literature in the narrower sense of the word, we have an ever-increasing number of the biographies and letters of Luther's contemporaries; for instance, Reuchlin, Hutten, Erasmus, Butzer, Scheurl, Pirkheimer, Cochläus, Link; and we know far more of the Humanists than we once could. We are blessed with two editions of Mutian's letters,³ but it is a pity that we should still be without a modern and critical edition of those of Erasmus.

¹ *Martin Luther in Kulturgeschichtliche Darstellung*. Erster Teil (1483–1525), Berlin, 1895. Zweiter Teil, erste Lieferung (1525–1532), 1898.

² *Die Kulturaufgaben der Reformation, Einleitung in eine Lutherbiographie*. Berlin, 1895.

³ One edited by Krause (Kassel, 1885) and a second by Gillert (Halle, 1890).

GENEVA BEFORE CALVIN (1537-1536). THE ANTECEDENTS OF A PURITAN STATE

AN examination of the conditions in Geneva before Calvin's arrival in August, 1536, is a logical introduction to a comparative study of the ideals, the development and the practices of the Puritan state in Geneva, and in New and old England.

The problems which present themselves to the investigator of any phase of Puritanism can be satisfactorily answered only after patient investigation of the development of each of these three Puritan states, and careful discrimination between conditions in different states and at different periods. The far-reaching questions involved in the study of the rise of modern democracy, the results of the Protestant Revolt, and the causes of the French Revolution demand the same careful comparative treatment. Is there any tangible, historically demonstrable, relation between the two revolts? What contribution was made by the Puritan state, on the one hand, to the development of liberty, self-government, democracy, equality, right of revolution, spirit of free inquiry, higher moral and social sense; and, on the other hand, to the development of inquisitorial government, intolerance, aristocracy, hypocrisy, individualism, barren intellectuality? In the Puritan commonwealths of the sixteenth and seventeenth centuries, what were the respective functions and relative powers of State and Church, and the theoretical and the actual basis of membership in each? What was the Puritan attempt at solving the perennial problems of national expansion and treatment of subject classes or peoples, federation and rights of local self-government? What were the distinguishing characteristics, and the measure of success and failure in each Puritan state? Is there any fundamental unity of aim and method in the Puritan commonwealths that distinguishes them from other states? What enduring contributions for good and ill did the Puritan state make? These are some of the problems that arise and demand historical and comparative treatment in order to be answered.

To such a comparative study, this investigation of the history of Geneva before it came under Calvin's influence is a necessary preliminary. Geneva was at once independent, Protestant and republican. No other state possessing these characteristics has both so

exile Jeanne de Jussie,¹ with their varied points of view, describe with dramatic power the scenes they witnessed. The reformers in their almost daily correspondence give a more personal record of motives as well as acts.²

The following preliminary sketch may serve to outline with some historical perspective two things :

1. The development of Genevan political independence (1387-1536) and religious reform (1532-1536).
2. The resulting institutions and character before Calvin's arrival in August, 1536.

After the varied fortunes of an ancient Roman and a medieval imperial city, Geneva, at the close of the thirteenth century, was under the threefold government of bishop, *vidomne*, and commune. The bishops, in times of shifting political power, had, by feudal concessions, become the lords (*dominus*) of the city under the emperor as suzerain. The *vidomne* was the bishop's deputy (*vicedominus*) for the execution of temporal justice. At the close of the thirteenth century, the house of Savoy after long conflict had won the feudal office of *vidomne*, which it held of the bishop nearly two centuries and a half (1290-1525). Lastly, the commune, the body of citizens, elected its syndics possessing limited administrative powers.

¹ Jeanne de Jussie, *Le Levain du Calvinisme, ou Commencement de l'Hérésie de Genève*. (Chambéry, about 1640. With notes by Grivel and Th. Dufour, 1865.)

² Two invaluable pieces of patient scholarship: Baum, Cunitz, and Reuss, *Calvini Opera*, 59 quarto vols. (Braunschweig, 1863-1900.) Vol. XXI., under head of "Annales," contains extracts from Registers of Council and Consistory and other documents; Herminjard, *Correspondance des Reformateurs dans les Pays Français*. (9 vols., 1886-1897.) Many extracts from documents in notes.

Some of the most valuable secondary authorities, based on documents, are: A. Roget, *Les Suisses et Genève ou l'Emancipation de la Communauté Genevoise au 16^e Siècle* (2 vols. in 1, 1864); *Histoire du Peuple de Genève depuis la Réforme jusqu'à l'Escalade* (7 vols., 1870-1883). Extends only to 1568.

J. A. Gautier (Sec. d'État, 1684-1695, 1698-1700), *Histoire de Genève des Origines à l'Année 1691*. (5 vols., 1896 to 1902; now appearing under auspices of Soc. d'Hist. de Genève, with scholarly notes.)

Chas. Borgeaud, *Histoire de l'Université de Genève*, I, l'Académie de Calvin, 1559-1798. (1900.)

E. Choisy, *La Théocratie à Genève au Temps de Calvin*. (1897.) *L'État Chrétien Calviniste à Genève au Temps de Theodore de Bèze*. (1902.)

C. A. Cornelius, *Historische Arbeiten vornehmlich zur Reformationszeit* (Part IV., *Zur Geschichte Calvins, 1536-1548*, pp. 105-557). (Leipzig, 1899.)

F. W. Kampshulte, *Johann Calvin seine Kirche und sein Staat in Genf*. (Leipzig, 1869, Vol. 1; Vol. 2, ed. by W. Goetz, 1899, after author's death.)

Memoires et Documents de la Société d'Histoire et d'Archéologie de Genève (27 vols., 1840-1901), and the *Bulletins* of the same Society (1891 and after) are of very great value.

Some of the *Bulletins de l'Institut National Genevois* contain studies of documents.

Both Gaberel (*Histoire de l'Eglise de Genève*) and the two Galiffes (*Materiaux*, etc., *Nouvelles Pages*, etc.) are unfortunately disfigured by partizanship, Gaberel by inaccuracy.

the hands of a smaller number of citizens, a sort of open administrative aristocracy of experience. This tendency was recognized at the time, and occasionally thwarted by the primary assembly's assertion of its rights. The council of sixty (or fifty), and later that of two hundred replace the general assembly in delicate matters.¹ In the choice of the councils there is also the same tendency to a less direct election and a more complex coöptation. For example, the election of the council of fifty is transferred from the primary assembly to the little council in 1459;² the little council, originally chosen by the popularly elected syndics is, from 1530, elected by the two hundred, and the two hundred by the little council.³ Aristocratic tendencies in Geneva appear not with Calvin, but during the three generations preceding his arrival.

The first step in the emancipation of Geneva was the struggle against Savoy. This ambitious house, already possessing the office of *vidomne*, and intriguing throughout the fifteenth century to dominate both bishop and commune, excited the latter's bitter hostility in 1519 by the execution of Berthelier, who thus became the early martyr for Genevan liberty. After an apparent triumph in 1525, the Duke of Savoy left the city. In spite of persistent attack and intrigue neither he nor any member of his house was to enter Geneva again. Against Savoy, Geneva appealed to the Swiss, and in 1526 concluded to close political and military alliance with Freiburg and Bern.⁴

In 1528, the council refused to accept the *vidomne* nominated by the duke, instead of by the bishop as prescribed by the *franchises*.⁵ In the absence of any *vidomne*, the council of two hundred assumed

¹ For fifty see Rivoire, *Registres du Conseil*, I. 178, 181-187, 217-218, 288; for two hundred, see acts, cited later, and Mallet, in *La Suisse Hist. et Pittoresque*, 552.

² Rivoire, *Registres du Conseil*, I. 288. After failing in 1458, the two smaller councils succeed in 1460 in nominating syndics for election by primary assembly. See *ibid.*, 258-259, 262-263, 386, 390.

³ H. Fazy, *Constitutions de Genève*, 37-38. Bonivard, *De l'Anc. et Nouv. Police*, 19-22 (1847). For example of election of council by syndics, see Rivoire, *Registres du Conseil*, I. 49, 108, 265-266. For primary assembly's assertion of rights in 1458-1460, see Rivoire, *ibid.*, 258-259, 263 (elections); 303 (meetings and right of complaint); 395-396, 463-465, 468 (taxes). For acts of 1518, 1534, see p. 237, note 2.

⁴ This *combourgeoisie* (following that with Freiburg in 1519), renewed with Bern 1558, and 1584 (with Zürich added), was the preliminary to the entrance into the Swiss Confederation, 1814. The Genevan party of independence in 1526 were named *Eidgenots* in imitation of their Swiss confederates (*Eidgenossen*). (Treaty in Archives, *Pièces Hist.*, No. 964; reprinted in Gautier's ed., Spon (1730), "Preuves.")

⁵ The decision was taken successively according to Genevan custom in important matters, by the syndics (May 24), the fifty and the two hundred (June 9), and the primary assembly (*consilium generale*) (June 14, 1528). See Roget, *Suisses et Genève*, I. 298-299, 301; and Balard, *Journal*, 167-169.

Up to 1533, the struggle had been political, against the duke and bishop as temporal rulers hostile to Genevan chartered rights. But there was another ground for objecting to the régime of the ecclesiastical prince. "There were," says a recent Catholic writer on Geneva, "real and evident abuses to be noted among the Catholics and even among the higher clergy . . . and above all among the monks."¹

But the records plainly show that it was to her ally and protector Bern that Geneva owed not only the preaching, but the final adoption of the Reformation. Bern, which had adopted the reform in 1528, naturally sought to increase her influence with her ally by introducing it into Geneva. In 1532 the desire for reform already existing there was stimulated by the impetuous preaching of Farel and Fromment, the former armed with a letter from Bern. This move was promptly met by complaints by Geneva's other Swiss but Catholic ally, Freiburg, and by the papal nuncio.² For more than three years the skilful councils tried to pursue a middle course between the demands of the two allies, and between the two extreme parties within the city. It is one more instructive picture of the impossibility of that generation's remaining neutral. The mettlesome city that had overthrown the power of the Duke of Savoy might engage to remain loyal to the Catholic faith,³ might forbid preaching unauthorized by the vicar, or "any innovations," and expel preachers; might even vote that "in this matter ('the holy sacraments of the church') each one shall be left in liberty according to his conscience,"⁴ but when Geneva had seen her prince-bishop

¹ *Mem. et Doc. pub. by l'Académie Salésienne*, Tome XIV. (Annecy, 1891, "Permis d'imprimer, 8 Oct. 1890, ✕ Louis, Evêque d'Annecy."), pp. 175-176. On this point, there is substantial agreement between Catholic and Protestant historians; compare the nun, Jeanne de Jussie, *Le Levain de Calvinisme, etc.*, and Kampschulte (*Calvin, etc.*, I. 90-91, 169-170) with the accounts in Bonivard, *Chron.*, I. 90, and the extracts from records in appendix to Revilliod's edition of Fromment, *Actes et Gestes, etc.*, esp. pp. ci-cv.

² Herminjard, *Correspondance des Reformateurs, etc.*, II. 421-426; June 24 and July 8, 1532.

³ *Ibid.*, II. 382. Letter and embassy of Geneva to Freiburg July 6, 1532. They disclaim any intention to go over to "Luthererie" or the "novam legem." It is curious to find the term "Calvinism" applied to Geneva before Calvin's arrival or the publication of his *Institutes*, by an ardent contemporary Catholic born in Geneva, Andrea Cordoino, "Relazione di Geneva—particolarmente dall'anno 1535 che ni fù introdotto il Calvinismo" (1624); Archives of Turin (Geneva, Paquet, 14^e, No. 7). Lutheran is the contemporary term of Jeanne de Jussie and of Catholics in Geneva and Freiburg.

⁴ The series of votes is significant. June 30, 1532, the council voted: "Regarding him who preaches the gospel, ordered that for the present the master of the schools (*magister scholarum*) cease reading the gospels and that the vicar (*dominus vicarius*) be requested to order that in all the parishes and convents they preach the gospel and epistle (*epistolam*) of God according to truth, without mingling with it any fables or other human inventions; and that we live in harmony as our fathers have done without any in-

The decision forced upon the councils by the riotous image-breaking, in August, 1535, was negative rather than positive, a cautious temporary abolition of the mass without "innovations" or adoption of the reformed faith or worship, but with striking deference to the wishes of Bern. After an appeal by Farel formally to abolish the papal system, the "grand council" of two hundred by a majority vote, and after long discussion, decided: (1) that the priests be called to see if they could justify the use of images and mass; (2) that the destruction of images cease and those pulled down be restored; (3) "in the interim . . . mass should not be celebrated until further notice;" (4) "and that the foregoing be written to the Lords of Bern that upon their response we may proceed more safely."¹ The monks when summoned to justify images and mass said "they were simple men who had lived according to tradition and had never investigated such questions"; and the secular clergy, in accordance with the bishop's prohibition, refused all discussion.² The next day, in the little council, "discussion was held as to finding means to set affairs in good order, especially in the matter of the mass, which many ask to have permitted. Whereupon many say that for the present it is better to postpone the matter a little, than to make haste regarding the said mass, since it would be far better to await the will of the Lords of Bern who understand the

of Christ and the sword which he has committed to the powers" (July 24). The bishop waged open war on Geneva (July 30, Roget, II. 155; Kampschulte, I. 154); the council voted, Oct. 1, 1534, the episcopal see must be considered vacant. 1535 a dispute was held by order of the council between the Reformers and two priests, who went over to Protestantism (June). The bishop forbade any communication with Geneva (June); Farel seized church of Madeleine July 23d; and July 30th he replied to council that he "must obey God rather than man," and asked for a session of council of sixty or two hundred. The council refused council and replied to "said Farel and his associates that they should henceforth content themselves with preaching in the Convent de Rive and church of St. Germain, on account of certain good and respectable persons who urge this upon us" ("*propter certos bonos Respectabiles nos ad hec monentes*"). *Registres du Conseil*, Vol. XXVIII., fol. 98, 30 July. 1535. This is an evidence of the presence and characteristic influence of the conservative element in Geneva. Haller in a letter to Bucer. Sept. 22, 1534, had estimated that two-thirds of Geneva were favorable to pontiff and duke. (Herminjard, *Corr. de Ref.*, III. 209.) Malbuisson was beheaded for making common cause with enemies of city, and a servant executed on charge of attempted poisoning of the reformer Viret (July). Aug. 8, Farel seized and preached in St. Peter's, riotous scenes of image-breaking followed next day, and Aug. 10 council of two hundred temporarily suspended the mass. (*Registres du Conseil*, Vol. XXVIII., fol. 104.) For other points in this note without specific references, see the impartial annals (based on the *Registres du Conseil*) in Roget, *Suisses et Genève*, II. 27, 76, 81 ff., 103, 107-110, 125, 154, 160; also Gautier, *Hist. Gen.*, II. 407, 412. The citations of Roget have been constantly verified and, save for dates, found almost invariably trustworthy.

¹ *Registres du Conseil*, Vol. XXVIII., fol. 104, 10th Aug., 1535. *Interim vero ulterius non dirruatur nec celebratur missa donec cognitio et quod scribantur dominis bernatius praemissa ut super eorum Responsionem nos tutius conducere valeamus.*

² *Registres du Conseil*, 12 Aug., 1535, quoted in Kampschulte, I. 167-168.

matter more fully. Wherefore it was decided that for the present it be given up for a little, and that measures be taken to assemble the *consilium ordinarium*, and mature action be taken in the matter, were it seems better for the present to suspend the saying of the mass than to say mass, whence scandal might arise. To Peter Lullin, who requested that it might be permitted to say mass, as heretofore in this city mass was said, because there are many who wish to have the mass, the council gave a similar temporizing reply, Sept. 2: "As to this, it was decided that news be awaited from the Lords of Bern that it may be seen in what way it is better to proceed."²

The acts and the manner of procedure of the magistrates and councils from August, 1533, to August, 1535, in denying the authority of the bishop and avoiding the Scylla and Charybdis of both mass and image-breaking, are clearly the expression of a political policy, and not of a profound religious conviction. It is the policy of independence, of safeguarding of rights. The council gradually yielded to the strongest and most logical combination against bishop and duke,—Bern and the determined and aggressive party of reform and independence. The Puritan spirit of unflinching enforcement of the word of God was quite absent from the state, which was not yet even formally Protestant in 1535. But though the state, acting through its semi-representative councils, was concerned rather with self-preservation and public order than with religious reform, there was a considerable party with vigorous leaders like Farel and Porral, who had convictions and intended to accept no half-way measures.³

The Vicar-General and the few remaining canons, and the Sisters of St. Clara and many of the monks and parish clergy recognized that the papal system was doomed and left the city soon after the mass was abolished.⁴

² *Cum forte melius sit expectare voluntatem dominorum Bernatium qui sanius Rem intelligent.* *Registre du Conseil*, Vol. XXVIII., fol. 108^v, Friday, Aug. 13, 1535. Only 12 names out of the full number of 25 are recorded as present.

³ *Registres du Conseil*, Vol. XXIX., fol. 120.

⁴ Evidence of this is naturally found rather in the correspondence of the reformers than in the acts of the council; but it is also shown by the successes of Farel in the successive seizures of churches and triumph over the orders of the little council and in the image-breaking. But Protestants were probably still in the minority in August, 1535.

⁵ The nun Jeanne de Jussie's account (*Le Levain de Calvinisme*) of the departure of the sisters (Aug. 29, 1535) is written clearly and vigorously, and throws much light on the condition of affairs, frankly admitting abuses in the church. Many of the canons had withdrawn before. On the condition, especially of the cathedral clergy, see articles on history of the chapter by a member of the present Catholic chapter at Annecy in *Mem. et Doc. pub. p. l'Acad. Salésienne*, XIV. See above, p. 223, note 1.

The two councils at once assumed the lapsed civil functions of the bishop and chapter. The council of two hundred, the same day that it suspended the mass, took action to retain possession of ecclesiastical property, which it feared the clergy might take away.¹ The two hundred established a hospital endowed with the property of churches and monasteries, and the primary assembly approved the administrative measures taken by the little council, elected a hospitaller, prohibited begging, and ordered special watchmen to compel beggars to go to the hospital.² The consolidation of the two prisons was ordered; and the two councils assumed the episcopal privilege of coining money, establishing a mint, appointing its officers and criticizing the money struck.³

In 1536, the councils undertook wider functions, the civil and religious reorganization of territory lying outside the city and formerly subject to the ecclesiastical or ducal authorities. The *mandements* of Thiez and Gaillard offered fidelity to Geneva, if no changes were made in the customs or the church (Feb. 11). The introduction of the reformation into the outlying and newly subject villages was taken in hand by the council under pressure from Farel. The council provided preachers and church bells, and ordered proclamations like those in the city, concerning obedience, adultery and blasphemy.⁴ The *procureurs* and priests of the rural communities were exhorted by Farel, and given by the council a month to read the gospels and decide whether the evangelical doctrine of Geneva was the true doctrine. The *procureurs* were commanded to order all parishioners to go to sermon, and the mass was forbidden by the council.⁵ The council even went so far in its assumption of ecclesiastical powers as to reassure excommunicated parishioners that it held them absolved.⁶ The organization of justice was provided for

¹ *Registres du Conseil*, Vol. XXVIII., fol. 104, Aug. 10, 1535. To make an inventory of "Jura et Jocalia" and "omnia bona ecclesiarum" two syndics were appointed for St. Peter's, and the little council was directed to appoint men for the other churches.

² *Registres du Conseil*, Vol. XXVIII., fol. 152-153, quoted in Gautier, *Hist. Gen.*, II. 465, and Roget, II. 191. 29 Sept., 5 Oct., and 14 Nov., 1535.

³ Nov. 24, etc., 1535; Roget, II. 190.

⁴ Mar. 10, 1536. Mar. 24, bell to Satigny and preacher there and to "Cillignies"; for acts on these and later dates, see the valuable extracts from the *Registres du Conseil* and other documents, in the "Annales" contained in the standard Baum, Cunitz and Reuss edition of *Calvini Opera*, XXI. 197-198.

⁵ *Registres du Conseil*, Apr. 3, 1535, in *Calvini Opera*, XXI. 198.

⁶ *Registres du Conseil*, 4 Apr., 1536, in Herminjard, *Corr. d. Ref.*, IV. 26. "Regarding the report by our *chastelain* of Thiez that the people of Thiez have doubts about presenting themselves in church at this next Easter (16 Apr.) because of some letters of excommunication which have been issued against some, for which they desire the relief of absolution . . . Resolved, that there be written a patent to the vicars of the said district (*mandement*) that we hold them for absolved."

city subject to any power, but because we wished the poor city which had so much warred and suffered to have its liberty" (*pour estre en liberté*), was the characteristic reply of the little council.¹ Bern was eventually obliged to yield to the stubborn determination of Geneva to be independent in the administration of the city and the newly acquired villages. August 7, 1536, by a treaty so vaguely formed as to lead to eight years of conflict, Bern acknowledged the right of Geneva to exercise the powers of bishop and duke, and to possess the lands formerly dependent on the bishop, the cathedral chapter, and the priory of St. Victor. Geneva had won independence from enemies and friends. It was not merely a city but an acknowledged, independent republic with nearly thirty dependent villages.² August 8, Geneva received the joyful news "that we are princes."³

By 1536, and before Calvin's arrival, the councils had also assumed the entire control of morals and religion which they had formerly shared with the ecclesiastical authorities. Even before the formal suspension of the mass, the council had at the exhortation of Farel prohibited the dances called *virolet*.⁴ The proclamation passed by the two hundred Feb. 28, 1536, especially for the regulation of taverns—a very vital question after the suppression of the monasteries—was afterwards regarded as a sort of outline of

¹ *Registres du Conseil*, XXIX. fol. 12. Compare Roget, *S. et G.*, II. 214–217 and Gautier, II. 496–498. Syndics Feb. 5; little council Feb. 15; two hundred Feb. 17, 1536. Roget, II. 215, is in error in assigning action of Feb. 15 to two hundred. It was in the after-dinner session of the little council (*conseil ordinaire*). See *Registres du Conseil*, Vol. XXIX., fol. 12^{re} and cf. fo. 11^{re}.

² In 1544, preachers were sent to 26 villages. See list in *Genève Ecclesiastiques, ou Livre des Spectables Pasteurs et Professeurs*, pp. 16–48 (1861). J. L. Mallet names 28 villages subject to Geneva in 1536; viz., 12 formerly subject to bishop in *mandements* of Jussy (to N. E.) and Peney (W.); 2 to "chapter"; 5 to Priory of St. Victor; 9 to *mandement* of Gaillard. (Duke of Savoy, S. E.) ("*Extraits fait par J. L. Mallet des Ext. d. Reg. par Flournois*." MSS. in Bib. Publique de Genève. This extract made by Mallet from *Registres*.) "St. Victor and Chapter" is the phrase used to describe the lands later in dispute. Geneva, however, was obliged to agree: (1) to pay 10,000 *écus*, the balance due Bern for military defense; (2) to make no alliance without the consent of Bern; (3) to grant to Bern, Gaillard and dependencies, Convent Bellevue, Cholex and all territories lying outside the city, conquered by Bern, formerly belonging to Savoy or granted to church by Savoy. Bern agreed to extend Geneva's boundaries in the direction of Gaillard and Gex. Gautier, II. 520, names 7 villages thus included. It was during this war that Chillon was captured by Bern and Geneva, May 29, 1536, and Bonivard released. The treaty (original with seals, and 2 copies) is in the Archives, *Pièces Hist.*, No. 1157; reprinted in Gautier's ed. Spon (*Hist. de Gen.*) "*Preuves*," no. 61 (1730).—(See also Roset, *Chroniques de Genève*, L. III., ch. 70; Gautier, *Hist. de Gen.*, II. 517–520; Roget, *S. et G.*, II. 237–238.)—It contains an ambiguous reservation by Bern (Art. IV., Pt. II.) of "appeals (*appellations*) if any are found to have gone before the Duke and his council or his officers of justice."

³ Roget, *S. et G.*, II. 238.

⁴ Apr. 13, 1535. Roget, *Hist. du Peuple de Genève*, I. 5.

prison only under the provisos that they should "confess their misdeed before everyone at the Sunday sermon"; "that their property should be returned to them, save their arms, and from thenceforth they should live according to God (*selon dieu*)."¹ But a priest, who confessed he had celebrated mass several times after swearing not to, asked pardon in vain and was ordered to prison.² "Girardin de la Rive, having had his infant baptized at Ternier by a priest, was condemned by reason of the offense which he had made against God and the proclamations to be banished to the place where he desires to do such things."³ "Blue laws," or interfering regulations concerning religion and morals were not an invention of Calvin nor of the Puritan state. They were rather the *sequelæ* of the Middle Ages. They are the attempts of the new Protestant state to take over the personal supervision exercised by the medieval church, state and gild.⁴

There was no tolerance even for such a patriotic and broad-minded Catholic as the former syndic Jean Balard, who, when asked by the council (at the instigation of Farel) why he refused to hear the word of God, "replied he believes in God who teaches by his own spirit but he cannot believe our preachers. He said we cannot compel him to go to sermon against his conscience . . . since we

¹ *Registres du Conseil*, Vol. XXIX., fols. 105, 107, May 12, 16, 1536.

² *Registres du Conseil*, Vol. XXX., fol. 27, July 13, 1536, quoted in *Calvini Opera*, XXI. 202.

³ *Registres du Conseil*, Vol. XXX., fol. 16, 17th June, 1536. For some reason the stern logic of this vote was not carried out, and de la Rive appears, in 1536-1537, among the "opposition" to the clerical party.

⁴ In Geneva, such legislation antedated not only Calvin but the Reformation: 9 Jan., 1481, disguising or making *charivari*; 3 Jan., 1492, dances or other amusements with instruments without permission of justice; Aug 11, 1506, playing in streets at dice, bowls, cards (proclamation by permission of vicar); Feb. 23, 1515, playing "*au bre-laude*"; 19 Apr., 1524, "*épouse de May*" and public dances; Aug. 7, 1526, "*chansons deshonnêtes et satiriques*" (penalty of imprisonment)—were all prohibited by little council (*consilium ordinarium*). (See "Extraits d. Edit. Reg. et Wages, 1309-1722," in *Archives of Geneva*, pp. 18, 28, 31, 35, 36.) May 27, 1524, *ibid.*, p. 35, "Those without profession or not exercising them to leave the city and suburbs in three days"; Mar. 14, 1430, "no one to play before celebration of mass"; Item,—"no one to play *ad cisionem panis*," *Reg. du Conseil*, ed. Rivoire, I. 133. Nov. 30, 1490, no playing in public places during divine service and no *ludos communes* in houses; Mar. 5, 1530, no blasphemy of name of God and His glorious mother, no playing in streets or public places at cards or bowls during sermon and divine service (no pardon). (Roget, *Hist. d. Peuple de Gen.*, I. 6.) The proclamation against cards, bowls and dice occurs again in 1507-1508 (*Reg. du Conseil*, XV.). The frequent prohibitions of these numerous favorite amusements (eleven) cited above, suggests the pleasure-loving quality of the Genevans. They occasioned much legislation during the Reformation. Prices of wine were regularly settled in November meeting of *conseil général* and occasionally at other times, and regulations regarding food and hours of sales were often passed. See *Registres du Conseil*, Rivoire, I. 74, 117, 120, 268, 396. For such legislation elsewhere, see J. M. Vincent, "European Blue Laws," in *Ann. Rep. Amer. Hist. Assn.*, 1897, 356-372.

for mercy and renounces Satan and all his works." Not content even with this, the council finally wrested from him its required "affirmative or negative answer," "The mass is bad."¹

It is a sadly significant picture—an honored and sane magistrate and not a fanatic, nobly pleading for broad tolerance and freedom of conscience, but compelled to submit his religious convictions to the apparent political necessities of his day. As patriotic as he was tolerant, the statesman sacrificed his theology to his patriotism and remained to serve his state.² The story of Balard, instructive in itself, is still more significant because of its date. The first inquisition, in July, 1536, occurred before Calvin settled in Geneva, the final one, in 1539, during Calvin's exile when his anti-clerical opponents were in power. Calvin found Geneva and Europe intolerant; he did not make them so.

The councils, though exercising full power in religion and morals, consulted the "preachers." They sought and heeded the latter's advice regarding such matters as brides' head dress;³ marriage causes "necessitating consultation of the Scriptures";⁴ introduction of the reform into the new possessions; summons of Balard; and improvement of faith, education and morals.⁵ They also voted to "feed, clothe and support" the preachers upon the property of the parishes "both of the city and of our land."⁶

The increased judicial functions of the little council, as the supreme court, after the abolition of the bishop's jurisdiction in

¹ *Registres du Conseil*, Vol. XXXIII., fols. 400^{vo}, 401-402, Dec. 22-24, 1539. Parts of the process are to be found in *Calvini Opera*, XXI. 203. The account, with extracts, is correctly given in Roget, *S. et G.*, II. 243-246, and Roget, *Hist. du Peuple de Gen.*, I. 158-160. The passages are reprinted from *Registres* in J. J. Chaponnière's introd. to *Journal du Syndic Jean Balard*, pp. lxvii-lxviii, lxxiv-lxxv. (*Mem. et Doc. de Soc. d'Hist. de Gen.*, X. (1854).) Gautier, *Hist. Gen.*, III. 54, seems to have failed to note the council's relentless insistence, and the final reply of Balard, and is therefore led into error of attributing tolerance to the council. (See *Registres du Conseil*, Vol. XXXIII., fol. 402^{vo}; "*Puys apres az confesse la messe estre mauveyse*," Dec. 24; and reaffirmation Dec. 26, before two hundred.)

² J. Balard, the author of a valuable *Journal* (1525-1531), had been syndic in 1525-1530 (*Jour. de Balard*, ed Chaponnière, pp. xiv-xxxv, *Mem. et Doc. Soc. d'Hist. d. Gen.*, Vol. X.). He was afterwards in little council in 1531-1536, and 1539; frequently in two hundred; regularly in sixty, from 1546. The day of Calvin's return from exile (13 Sept. 1541), Balard was made one of six councillors to "confer" with "preachers" and draw up the *ordonnances ecclesiastiques*, replacing Goulaz of dubious reputation.

³ See above, p. 230, note 5.

⁴ *Registres du Conseil*, Vol. XXIX., fol. 113, May 23, 1536. "Mariage . . . pource que cest chose pesante un besoigne entendre les escriptures, est arreste que lon demande les predicans en conseil pour veoir sur ce affaire leur opinion."

⁵ See above, p. 227, note 4; p. 230, note 7; below p. 235, and note 1.

⁶ *Registres du Conseil*, Vol. XXIX., fol. 103, May 10, 1536.

assembly for Sunday.¹ The taking of the solemn oath "to live according to the Gospel and the Word of God," "sworn before God" alone by the whole body of citizens with uplifted hands, is a striking scene, significant in the history of democracy and religious liberty.

Sunday, May 21, 1536.

The *Conseil Général* in the cloister [of St. Peter's].

According to the resolution of the Little Council (*conseil ordinaire*), the *Conseil Général* was assembled by customary sound of bell and trumpet. And by the voice of M^r. Claude Savoy, first syndic, were proposed the resolutions of the *conseil ordinaire* and of the Council of Two Hundred, touching the manner of living . . . viz., to live according to the Gospel and the Word of God as has been since the abolition of the mass [Aug. 10, 13, 1535] and is now preached always among us; without further desire or wish for masses, images, idols or other papal abuses whatever. Whereupon, without any dissenting voice, it was generally voted, and with hands raised in air resolved and promised and sworn before God, that we all by the aid of God desire to live (*volons vivre*) in this holy evangelical law and Word of God, as it has been announced to us, desiring to abandon all masses, images, idols, and all that which may pertain thereto, to live in union and obedience to justice. . . . Also voted to try to secure a competent man for the school, with sufficient salary to enable him to maintain and teach (*nourrir et enseigner*) the poor free; and that every one be bound to send his children to the school and have them learn; and all pupils and teachers (*escolliers et aussi pedagoges*) be bound to go into residence (*aller faire la residence*) at the great school where the Rector and his Bachelors shall be.²

Taken in the order of their historic development (1528-1536), there are four principles in the Genevan Protestant state:

1. Obedience to the independent, civil government.
2. Rejection of "papal abuses."
3. Adoption of the "Word of God," "as preached," as the standard of life.
4. Establishment of universal, primary education, free to the poor.³

To transform this Protestant into a Puritan state, it was necessary to add:

1. Establishment of the Church as a distinct organism with co-ordinate and constitutional rights with the State (1541), thus lim-

¹ *Registres du Conseil*, Vol. XXIX., fol. 112. The complaint as to morals is based on statement in Roset, *Chron. d. Gen.*, p. 262 (ed. 1894). Sunday had been and remained under Calvin the day for primary assembly.

² *Registres du Conseil*, Vol. XXIX., fol. 112, Sunday, May 21, 1536. The vote has been frequently reprinted; e. g., *Calvini Opera*, XXI. 202. The number of citizens in Geneva in 1536 capable of voting in *conseil général* is estimated by E. Mallet as 1,000 to 1,500 (*La Suisse Hist. et Pittor.* [Geneva, 1855-1856], II. 552). Saunier had been elected rector at a salary of 100 *écus* of gold, by the two hundred, May 19; see *Registres du Conseil*, Vol. XXIX., fol. 112; *Calvini Opera*, XX. 201-202; and F. Buisson, *Sebastien Castellion*, I. 123.

³ There was provision for both girls and boys in the vote of May 21, 1536. The girls were to be apart as before, and all boys were to come to the great school. *Registres du Conseil*, Vol. XXIX., fol. 112.

The primary assembly was rarely called, and nearly all the executive and legislative steps in the progress of independence and reform had been taken by two bodies of magistrates, the little council of twenty-five, and the council of two hundred. Under normal circumstances, the members of both these bodies continued in office, save for malfeasance. Even the four syndics and other executive officers elected by the primary assembly were almost invariably chosen from the double list of nominees presented to it by the two hundred, which had in turn revised the nominations presented by the little council.¹

Geneva, then, had developed independence and civil rights, but neither democracy nor directly representative government. She had taken steps in this direction, and in two vital civil and religious changes the people, the "commune," had acted in their sovereign capacity. But, on the other hand, there had been, in the fierce struggle for independence and order, a marked and continued tendency from the middle of the fifteenth century to concentrate power in the hands of a few men, conservative, responsible, and experienced.² It is an instructive experiment in a system of "mixed

naire). But the two hundred possessed right of pardon and in extreme cases the court consisted of 16 members of two hundred in addition to little council. (b) Police and civil court of first instance (replacing *vidomne* after Nov. 14, 1529), consisting of lieutenant of justice and four assistants (*auditeurs*) elected by *conseil général* (annually in November). The lieutenant was re-eligible only after three years. (Cf. Bonivard, *L'Anc. et Nouv. Pol.*, p. 29.) (c) *Procureur général* (1534), who intervened in all processes where public interest was at stake and was legal representative of minors and those under disabilities. See H. Fazy, *Constitutions de Genève*, p. 39; Bonivard, *L'Anc. et Nouv. Pol.*, 29; E. Mallet, *Coup d'Œil, Hist. et Pitt.*, p. 552; Gautier, *H. d. G.*, II. 405, 546. See also *Registres du Conseil*, Vol. XXIX., fols. 1-4, Vol. XXVIII., fol. 209, Feb. 6, 1535, Vol. XXV., fol. 230, Feb. 8, 1534 (or Vol. XXVI., fol. 210^{vo}); and other references to *Registres du Conseil* cited above.

¹ The assembly, however, possessed the right to elect its own choice in place of any or all nominees for syndic. Feb. 6, 1536, it exercised this right in electing Hemioz Levet. *Registres du Conseil*, Vol. XXIX., fol. 1.

² For fifteenth century see above, pp. 220-222 and notes. For later developments, see powers exercised by council referred to above, pp. 236-237. The danger is recognized by the *commune* and expressed in: the defeat of every caucus nominee by the *conseil général*, 1458; the provision of 1459 for reading franchises and hearing individual complaints; the *conseil général's* reassumption and assertion of taxing power, 1460; by intrigues to upset the two hundred (see *Reg. Con.*, vote Feb. 8, 1534, Vol. XXV., fol. 230); by provision against re-election of syndics before 3 yrs. (1518); and by revolutionary events of 1537-1540. In the list of magistrates and councils a strikingly small number of names occurs, but the same ones recur constantly. *E. g.*, of the eleven unsuccessful candidates for syndics, treasurer, and secretary for the chamber of accounts, in the vote of *conseil général*, Feb. 6, 1541, all but two were consoled by positions in two councils. See *Registres du Conseil*, Vol. XXXV., fols. 52-56, Feb. 6, 7, 9, 1541. Compare also the lists of syndics, lieutenants and councillors in appendices to vols. of Roget, *Hist. d. Peuple d. Gen.*

of religious training. It had no rights of either property, discipline, revision of membership, or choice or dismissal of pastors.¹

The Genevan commonwealth of 1536 had won independence and abolished papal abuses, but had not established democracy or personal liberty, nor organized a new church. Her people had grown mettlesome and obstinate in defense of chartered rights and newer liberties, but they were even yet, "for the most part, thoughtless and devoted to their pleasures." Her institutions and popular temper were vigorous but still plastic. Neither institutions nor temper had yet produced any striking contribution to human development, but the institutions were adaptable and the people capable of remarkable development, under conviction and devotion to a definite programme or goal.²

¹ "The external forms of worship, the public prayers, the place of the sermon, the rites of baptism and of the Holy Communion, the celebration of marriage must have been fixed after the rules laid down in a little publication drawn up no doubt by Farel and published in 1533 under the title, *La manière et façon*," etc. (Rilliet et Dufour, *Premier Catéchisme de Calvin* (1537), p. xv.)

² There is no adequate exposition of the Genevan temper ("mentality," for lack of a better word) before the arrival of Calvin. It can best be understood from the deeds and from the contemporary writings of Bonivard, Fromment and his vigorous wife, Marie d'Enté (see her *Épître très Utile*, 1539, extracts in Herminjard, *Corr. d. Ref.*, V. 302 ff.), Balard, Jeanne de Jussie, and from the things prohibited. Many of the criticisms of Genevan immorality before the Reformation overshoot the mark. No people utterly devoted to license could have so strenuously maintained their independence almost continually for centuries, and against such odds. Even the curious regulations of vice show not only its presence but a constant attempt to repress it. The Genevans, in fact, were not a simple, but a complex, cosmopolitan people. There was, at this crossing of the routes of trade, a mingling of French, German and Italian stock and characteristics; a large body of clergy of very dubious morality and force; and a still larger body of burghers, rather sounder and far more energetic and extremely independent, but keenly devoted to pleasure. It had the faults and follies of a medieval city and of a wealthy center in all times and lands; and also the progressive power of an ambitious, self-governing and cosmopolitan community. At their worst, the early Genevans were noisy and riotous and revolutionary; fond of processions and "mummeries" (not always respectable or safe), of gambling, immorality and loose songs and dances; possibly not over-scrupulous at a commercial or political bargain; and very self-assertive and obstinate. At their best, they were grave, shrewd, business-like statesmen, working slowly but surely, with keen knowledge of politics and human nature; with able leaders ready to devote time and money to public progress; and with a pretty intelligent, though less judicious, following. In diplomacy they were as deft, as keen at a bargain and as quick to take advantage of the weakness of competitors, as they were shrewd and adroit in business. They were thrifty, but knew how to spend well; quick-witted, and gifted in the art of party nicknames. Finally, they were passionately devoted to liberty, energetic, and capable of prolonged self-sacrifice to attain and retain what they were convinced were their rights. On the borders of Switzerland, France, Germany and Italy, they belonged in temper to none of these lands; out of their Savoyard traits, their wars, reforms and new-comers, in time they created a distinct type, the Genevese. This perhaps bold attempt of one from another continent to suggest the two sides of this very complex but very human and interesting folk may be concluded with a quotation from a Genevan representing many of the above somewhat contradictory characteristics: "One might kill them rather than make them consent to that from which they had once dissented. . . .

THE CONSTITUTION AND FINANCE OF THE ROYAL AFRICAN COMPANY OF ENGLAND FROM ITS FOUNDATION TILL 1720

THE early history of the Royal African Company of England has an interest of its own in view of the peculiarities of its financial methods. Towards the close of the seventeenth century the joint-stock organism was adapting itself to its environment ; and of all the different forms of adaptation that of the African Company presents the most marked characteristics. From the point of view of economic history it is important to be able to make some estimate of the amount of capital employed in early trading undertakings and the mode of their finance. Fortunately it is possible to obtain this information in the case of the African Company and also to follow the different steps by which the capital of the company had expanded or contracted according to the needs of the trade and the state of the privileges of the undertaking.¹

Prior to the incorporation of the Royal African Company English traders had sent intermittent voyages to the coast of Guinea for over a century. Sieur de Guerchy, writing to the Duc de Praslin in 1767, dates the foundation of the English trade to Africa as early as 1536.² Hakluyt mentions five voyages as undertaken in each of the years from 1553 to 1557.³ In 1563 Queen Elizabeth was a partner in an expedition, commanded by John Hawkins, which yielded a satisfactory profit.⁴ In 1588 the first African Com-

¹ The chief source for this important information is a collection of papers relating to the company, which is preserved amongst the "Treasury Papers" at the Public Record Office, London. These documents are entered under the general heading of "Royal African Company" in a separate MS. catalogue, and consist of "Warrant Books," "Home Journals," "Minute Books of the Court of Assistants," "Stock Journals and Transfer Books," "Accounts, Letters, etc.," and "Miscellaneous Books." There is no "Minute Book of the General Court" and several volumes of "Minute Books of the Court of Assistants" are missing. Many of the books are bound in fine white vellum, with the elephant (taken from the arms of the company) stamped on them in gold. Many points of interest might be noticed as arising from a careful examination of these papers. It may be mentioned that James II. held £1,000 "original stock." After the Revolution it was decided that this stock must be transferred to William and Mary. The original transfer from James II. to Graham, the secretary of the company, is bound up in one of the minute-books (No. 1456, f. 32), and, although it is dated August 20, 1691, James is still entitled "the King's most excellent Majesty" and "King James."

² Bonnassieux, Pierre, *Les Grandes Compagnies de Commerce* (Paris, 1892), 96-98.

³ *Voyages* (Ed. 1809), II. 464, 470, 480, 496, 504.

⁴ *Calendar State Papers, Dom.*, 1547-1580, p. 215. *Annals of Commerce*, by David MacPherson, II. 136-137.

company) for the forts and factories in Africa. This debt was never discharged by the Company of Royal Adventurers and was still owing in 1709.¹

As early as 1664 fresh capital was required and "2 per cent. above the ordinary interest" was offered for loans from the shareholders at par. Subscriptions were invited for £25,000; but, outside the assistants, very little was raised.² Later in the same year a fresh endeavor was made to raise capital, and, on this occasion, the bonds were to be issued at a discount. On Nov. 4, 1665, the King wrote that considering "the greatness of the Company's debt and the heavy interest under which the Company's stock now labours," all money realized by home-coming ships should be used in paying debts not in new ventures.³ At this date loans could only be effected on the personal security of the assistants.⁴ In 1667 another attempt was made to float a loan but with small success, though in some cases creditors were induced to accept bonds under the company's seal in satisfaction of their claims.⁵

From 1667 to 1671 the position of the company had gone from bad to worse and at the latter date the undertaking was insolvent. The debts were estimated to amount to £57,000 and beyond the privileges of the charter the assets were of little if any value. The company and its creditors were therefore in the dilemma that there were few if any assets except the charter, and if the charter were to be of any value working capital was required. In the existing state of the company's finances, there being no credit, capital could not be obtained until the creditors had been satisfied. It was therefore to the interest of both shareholders and creditors that the company should be reconstructed even at considerable sacrifice, and in 1671 a scheme was drawn up and accepted which provided for winding up the company and for the formation of a new one while giving some compensation to members and bondholders. The following was the reconstruction-scheme adopted, which provided for the formation of a new company with a capital of £100,000.

Table A. Reconstruction Scheme.

The existing capital of £122,000 to be written down by	
90 %.....	£ 12,200
Creditors for debt of £57,000 to receive two-thirds, or £38,000 in stock of the old company. This £38,000 stock was to be likewise written down by 90 % and exchanged for stock of new company.....	
	3,800

¹ *Journals of the House of Commons*, XVI. 180.

² Court Book, 1663-1670, f. 6.

³ Court Book, 1663-1670, f. 37.

⁴ *Ibid.*, f. 38.

⁵ *Ibid.*, f. 59.

phants' teeth," when any member of the royal family landed in Africa.¹ Powers were also given to the company to make peace and war with any non-Christian nation.² Amongst other miscellaneous privileges the right of Mine Royal was conveyed to the company on condition that the Crown might claim two-thirds of the gold won, on paying two-thirds of the expenses, the company retaining the remaining third.³

A considerable portion of the charter is occupied with provisions as to the internal government of the company. The stock-holders were to elect annually one governor, one sub-governor, one deputy-governor and twenty-four assistants.⁴ This part of the constitution is similar to that of the East India Company at this date, except that the twenty-four officials are here called assistants instead of committees, and that a new office—that of sub-governor—is created. The latter difference is accounted for by the fact that the governorship of the African Company was an honorary appointment filled by members of the royal family. The quorum at the court meeting was seven, of whom either the governor, sub-governor or deputy-governor must be one.⁵ In 1714 the qualification for an assistant was £2,000. Each £500 of stock commanded one vote up to a maximum of five votes.⁶ In 1680 the stock-holders numbered 198.⁷

In addition to the privileges conferred by the charter, the company endeavored in 1672 to obtain Parliamentary sanction by promoting a bill. This was read a first time in the House of Lords but was "not proceeded with."⁸

For seven years, from its foundation up to 1678, the company was highly successful. In the three years 1676–1678, 50 guineas per cent. were paid or nearly 55 per cent.⁹ These favorable results engendered hostility in two ways—as with the India Company, persons who had suffered for infringement of the monopoly of the company were bitter against it, and secondly those who had lost money from 1662 to 1670 and had failed to take up stock in the new undertaking were jealous of others who had been more fortunate. Writing in June, 1679, a member of the company says:

¹ *Ibid.*, f. 4.

² *Ibid.*, f. 19.

³ *Ibid.*, f. 20.

⁴ *Ibid.*, f. 8.

⁵ *Ibid.*, f. 8.

⁶ *Proceedings at a General Court Meeting of the Royal African Company, Feb. 18, 1714.* Lond. 1714 (British Museum 8223, e. 4).

⁷ Treasury Records, Royal African Co., No. 1741. (Assts. Minute Book under June 17, 1680.)

⁸ *Report of Royal Commission on Hist. MSS.*, IX. Pt. II., p. 9.

⁹ *Vide infra*, p. 258.

with natives unity of councils and a uniformity of rules were indispensable.¹ A single independent trader, who, for the sake of a quick profit, was prepared to ill-treat the natives had it in his power to injure the trade of other Englishmen by exciting the hostility of the chiefs.²

As against these arguments some very damaging evidence was adduced against the company at the Parliamentary enquiry which began on March 2d, 1694. One trader, Richard Holder, swore that he had a capital of £40,000 employed in the Guinea trade under license from the company. On his first expedition he made a profit of 50 per cent., in seven months, after paying 26 per cent. to the company on the value of his cargo. The next year the cost of his license was increased to 40 per cent. and in addition he was compelled to buy his trade-goods from the company, which cost him an extra 3 or 4 per cent. above the market price. He also suffered from being limited to trade only at certain specified places.³ Besides these and other complaints of the excessive cost of licenses, it was alleged that the company had not complied with a provision in its charter, under which all goods imported were to be sold by "inch of candle," *i. e.*, by public auction. In the case of red-wood, sales had been made privately to some three or four favored persons, with the result that this commodity was engrossed and the price of it was three times what it had been formerly.⁴

The first result of the enquiry was that the Parliamentary committee recommended that the trade should be conducted on a joint-stock basis and the company received leave to bring in a bill.⁵ This decision gave rise to further opposition and fresh petitions against the company. Finally in 1697 by the Act 9 and 10 Will. III c. 26 a compromise was effected. The company was continued, but its monopoly was modified so far as to legalize the position of the separate traders, who were to pay the following charges to the company to aid in the maintenance of the forts :

On Outward Voyages.

All goods 10 %

Homeward Voyages.

Gold, silver, negroes nil

Red-wood 5 %

Other goods... 10 %.⁶

¹ *Ibid.*, 131.

² *Ibid.*, 137.

³ *Journals of the House of Commons*, XI. 114.

⁴ *Ibid.*, XI. 287-290.

⁵ *Ibid.*, 542, 592, 622.

⁶ *Statutes*, VIII. 393.

This argument (which was similar to that advanced by the East India Company in 1656-1657) was supported by the planters, who gave as reasons for the enhancement of the price of negroes, first that there was excessive competition amongst the shippers in Africa and that therefore the cost price at the port was higher and secondly that owing to the want of skill of the new traders the mortality on the voyage was greater, with the result that the price of slaves in the West Indies was double what it had been before the trade was open.¹ The company, with the optimism of a suitor before a Parliamentary committee, stated that the stock-holders "were willing to advance more sums on their joint-stock."² The other side endeavored to show that the company, owing to its financial embarrassment, was in no position to maintain the present forts or to raise capital to build new ones.³ During the season 1709-1710 the company's trade was only about one-thirteenth of that of the separate traders, as is shown by the following table.

Comparison of Trade of the Company and Separate Traders.⁴

	Number of Ships.	Value Cargoes.	10 per cent. thereon.
Company,	3	£3,944. 2. 6	£394. 8. 3
Separate Traders,	44	£50,005. 12. 6	£5,000. 11. 3

Altogether the company's case did not appear to advantage and on March 31, 1712, it was resolved by a committee of the House of Commons that: (1) The African trade should be open to all British subjects under the management of a regulated company. (2) The forts were to be maintained and enlarged. (3) The cost of such maintenance should be defrayed by a charge on the trade. (4) The plantations should be supplied with negroes at a cheap rate. (5) A considerable stock was needed for carrying on the trade to the best advantage. (6) At least £100,000 value of English goods should be exported annually to Africa.⁵

Naturally the company petitioned against these resolutions, which were intended to form the basis of a fresh bill. The assistants urged that the company had a legal right to their forts, and if this right were denied they claimed the same trial at law as any other corporation to defend their freehold.⁶ After considerable debate the matter dropped; and, as far as the legal position of the company was concerned, no change was made. An act, however, was passed, December 20, 1712, to enable the company to make a

¹ *Ibid.*, XVII. 636.

² *Ibid.*, XVI. 64.

³ *Ibid.*, XVI. 235.

⁴ *Ibid.*, 552.

⁵ *Ibid.*, XVII. 164.

⁶ *Ibid.*, 319.

settlement with its creditors,¹ which legalized the arrangement explained below.² On April 13, 1713, the House of Commons again resolved that the trade should be open, subject to charges for the maintenance of forts, and a bill was brought in to give effect to this resolution, which, after passing the Commons, was rejected by the House of Lords.³

Thus the respective rights of the company and the separate traders remained undetermined. On several occasions Parliament endeavored to effect some improvement, but without success. In 1750 the joint-stock company was dissolved after many further changes of capital, and in 1752 the forts were transferred from the recently created regulated company to the Crown.

THE FINANCE OF THE ROYAL AFRICAN COMPANY.

In the foregoing account of the contest against the exclusive privileges of the company it has been necessary to postpone the consideration of the financial operations of the assistants owing to the complicated nature of the capital account. Going back to the formation of the company in 1672, the preamble or prospectus for subscriptions had mentioned £100,000 as the amount of the proposed capital, but by 1676 the total stock issued was £111,100, at which figure it remained, during the successful years of the company's history, till 1691, when by order of a General Court held on July 30th it was resolved to give a bonus in stock of 300 per cent. to each stock-holder. There is reason to believe that the company had accumulated a considerable reserve out of profits over and above the 10 or 20 guineas per cent. paid annually as dividend.⁴ The assistants in speaking of these early years mention "the great and extraordinary success with which the trade had been carried on."⁵ Houghton, too, stated in 1682 that "the Guinea Company was as safe as the East India Company."⁶ The wording of the resolution for the bonus addition of capital confirms this view of the company's finances at the time. It is expressed in the following terms: "voted, by reason of the great improvements that have been made on the Company's Stock of £111,100 that every £100 adventured be made £400 and that the members have credit given them accordingly."⁷

After the date of this resolution the capital stood at £444,400,

¹ 10 Ann c. 24.

² *Vide infra*, 255-256.

³ MacPherson's *Annals of Commerce*, III. 34.

⁴ Treasury Records, Royal African Co., No. 1455, f. f. 12, 34, No. 1456, f. 1.

⁵ *Memorial on Behalf of the Royal African Co.* (British Museum, 816, m. 11).

⁶ *A Collection of Letters for the Improvement of Husbandry and Trade*, II. 47.

⁷ Treasury Records, as above, f. 14.

of which only about £80,000 had been paid in cash—a part of the stock having been reserved for members and creditors of the old company.

The time for quadrupling the stock was ill-chosen, for on the outbreak of the war immediately afterwards the company sustained great losses. In 1693, capital was required to carry on the trade; and, on March 27th, an issue of £180,850 of stock was made at £40 for the share of £100, bringing in £72,340. This issue came at a time when the price of the stock had been falling. In 1692 the quotation had varied from 52 to 44. In the next year, 1693—that of the issue—during the month of January it varied from 47 to 46; in February and March, previous to the new issue, the quotation was 44; afterwards it fell (March 28–30) to 41, so that the issue-price gave a very small bonus to applicants. The price remained at 41 during the months of April and May. With a few temporary recoveries it fell to 36 at the end of September, reaching 32 early in October, the lowest point of the year. Shortly afterwards there was a recovery to 34, which was maintained in November and December.

The evidence of the Parliamentary enquiry of 1694, in combination with other unfavorable circumstances, still further reduced the market value of the stock—the lowest prices of years 1694, 1695, 1696 and 1697 being 20, 18, 17 and 13 respectively. During these years the company had become considerably indebted and, instead of sending ships to Africa, it had licensed merchants not free of the company at a high royalty. After the compromise of the act of 1697, which, while not providing a satisfactory settlement of the company's legal position, at least settled matters for some years, an attempt was made to raise capital to discharge the most pressing liabilities and to despatch ships. The governor and assistants decided to make a fresh issue of capital. In 1697 the price of the stock had fallen as low as 13 for cash and 16 for payment in bank-notes. It was resolved on October 7 to double the existing capital of £625,250, the new issue being offered at 12 per £100 stock payable by installments of £7 “presently,” £3 on April 7, 1698, and £2 on October 7, 1698. Although the issue-price gave a bonus of nearly 10 per cent. only £475,800 stock was taken up which realized £57,096. Thus the total capital after October 7, 1697, stood at £1,101,050.¹

In 1698, according to a report of the Board of Trade, the balance in favor of the company, including ships, stock and debts due (some of the latter being admittedly not good), after deducting lia-

¹ Treasury Papers, No. 1459 f.f. 1, 134. Also an inset leaf in No. 1458, giving particulars of the various issues of stock.

amounts paid in response to this assessment. This call represented nearly 50 per cent. of the price paid by persons who had recently purchased stock. Following the same method £7 was called in 1704, £4 in 1707 and £4 in 1708. These calls should have brought in about £230,000 but only £207,098 was paid. By one of the many coincidences in the finance of this company, the total amount of calls (21 per cent.) almost exactly equalled the average issue-price of the stock. Besides these bonds accepted by stock-holders under compulsion, there was due to outsiders, also on bond, over £92,000, making the total debt about £300,000. Thus in 1706 the capital of the company was as follows :

Due on bond about.....	£ 300,000
Stock	1,056,350 ¹

Some of the bonds had been issued at a discount of 20 per cent., so that it is probable the actual amount received in cash for the bonds was but little in excess of the amount of capital actually subscribed, the amounts being approximately as below :

Amount realized by issues of bonds, say,.....	£280,000
“ “ “ “ “ capital stock ...	240,536

So far the history of the company had been on the whole unfortunate; it now became little short of dishonest. As an “encouragement” for shareholders to pay these assessments, dividends were declared, and made out of capital. In this way seven dividends were paid from 1702 to 1707 amounting to 4½ per cent. or about £47,500,² so that the assessed stock-holders, while receiving back nearly one-quarter of the principal lent (in the form of dividend on their ordinary stock), were being paid interest on the whole of it. Probably the interest on these bonds was also paid out of capital, so that the stock-holders who advanced money were able to rank as preferred creditors for the whole amount of their bonds after, in some cases, half of the amount had been repaid in the form of interest and dividends !

This mode of finance as well as the pressure of loans generally on the company at a critical period of its history was a more serious hindrance to its prosperity than the losses of the war or the competition of the separate traders. If the increment of capital from undivided profits in 1691 was *bona fide* it had confessedly been lost ;

¹ Treasury Records, Royal African Co., No. 1,488, f. 23. The amount of stock is reduced, owing to forfeitures for non-payment of calls.

² This is calculated on the amount of stock existing in 1706 which was less than that outstanding in 1697, owing to forfeitures for non-payment of calls (see below, “Summary of Capital,” p. 257).

assets were to be taken at the price which they might be expected to fetch in the open market. The total estimated value of all assets on this basis was to be divided equally between the present stockholders and the creditors.¹ Under this proposal it is probable that the creditors would not have been paid in full even in new stock to the amount of their debts and for this and other reasons no more is heard of this scheme. A further obstacle to an equitable reconstruction arose from the speculation that had grown up in the bonds of the company since the suspension of interest in 1708.² There were thus three classes of bondholders to be considered: (a) those who in the successful years of the trade had purchased bonds as an investment; (b) members of the company who by right of such membership had received bonds either at a discount or who having subscribed at par had received back a part of the sums lent in the form of dividends on their stock; (c) speculators who had bought bonds as low as 30 on the chance of payment being made at par or only a slight discount on reconstruction. Obviously the latter class deserved little sympathy but their position was strengthened by the fact that a large proportion of the bonded debt was still held by members of the company, who by their voting rights would exert a large influence on the terms of reconstruction.

Meanwhile the condition of the company's finances had gone from bad to worse. The assistants in 1712 spoke of its difficulties "as being without precedent or parallel."³ It had in fact come to the end of its resources, having "mortgaged both its stock and credit"⁴ and there was no way out of the "labarynth of debt" in which it was involved.⁵ Finally in September, 1712, a reconstruction scheme was at last agreed to which was sanctioned by Act of Parliament.⁶ According to this scheme the capital was to be written down by 90 per cent., thereby reducing it to practically the same amount at which it stood at the formation of the company in 1672. The stock-holders, before receiving stock in the reorganized company, were to pay a call to provide working capital and the money due on bond was to be paid by an issue of new stock to the bondholders at par.⁷ There is some uncertainty as to the amount

¹ *A Proposal agreed unto for the more Effectual Support and carrying on the Trade to Africa.* (British Museum, 816, m. 11.)

² *Some Queries relating to the Present Dispute about the Trade to Africa.* (British Museum, 816, m. 11.)

³ *A Short and True Account of the Necessity of Settling the African Trade.* (British Museum, 816, m. 11.)

⁴ *Ibid.*

⁵ *The Case of the Royal African Company.* (British Museum, 8223, e. 18.)

⁶ 10 Ann. c. 34.

⁷ *A Brief Narrative of the Royal African Company's Proceedings with their Creditors,* pp. 1-3. (British Museum, 8223, e. 30.)

stock nor bonds was given.¹ At this date the capital had been reduced to £402,950, probably through forfeitures for non-payment of the call at the reorganization. According to a statement made at the court meeting when this call was sanctioned, the assets then stood at £405,519.

From 1715 to 1718 the company continued to be unfortunate. The lowest price of each of the four years was only 15 or 16 for the reduced capital, thus repeating those from 1697 to 1700 for the old. A further instance of the ill-luck of the company came in 1720 when an issue of capital, known as the "engrafted stock," was made at a low price, and within a few months the price had risen from 23 ½ to 185.²

SUMMARY OF THE CAPITAL OF THE ROYAL AFRICAN CO., 1672-1712.

	Stock.	Cash.
1672. In the reconstruction of the old company its members received stock credited as fully paid, £12,200		
New members paid for remaining stock at par, £98,900	£111,100 0 0	£111,100 0 0
1691, Bonus addition of 300 per cent. without payment, July 30.	333,300 0 0	
Totals, 1691,	444,400 0 0	111,100 0 0
1693.		
Mar. 27. Issue of £180,850 stock at 40,	180,850 0 0	72,340 0 0
Totals 1693,	625,250 0 0	183,440 0 0
1697,		
Oct. 7. Issue of £475,800 stock at 12,	475,800 0 0	57,096 0 0
Totals, 1697,	1,101,050 0 0	240,536 0 0
1706, Apr. 9 } Owing to forfeitures for non-	1,052,550 0 0	
1706, Jul. 11 } payment of calls total stock	1,055,650 0 0	
1706, " 15 } was—	1,056,350 0 0	
1712, Sept. 25		
At this date total stock was	1,009,000 0 0	
Old stock written down by 90 per cent. and exchanged for new stock under reorganization, £100,900		
Assessment of 50 per cent. for which stock was given, 50,450		50,450 0 0
New stock assigned to creditors (say) 300,000		280,000 0 0
Total stock after reconstruction, £451,350	£451,350 0 0	£570,986 0 0

¹ *Proceedings at a General Court Meeting of the Royal African Company, Feb. 18, 1714.* Lond. 1714, British Museum (8223, c. 4).

² Treasury Records, Royal African Co., No. 1743, f. 2.

DIVIDENDS AND PRICES OF STOCK.

Year.	Prices. ¹			Dividends. ²
	Date of Highest Price.	Highest and Lowest Prices.	Date of Lowest Price.	
1672 to 1675				{ I 10 guineas per cent. at 22/ ^s equal 11% sterling. II 10 do. equal do. III 10 do. at 21/6 equal 10½% sterling. IV 10 do. do. V 10 do. at do. equal do.
1677				
1678				
1679				
1680				
1681				VI 10 do. equal do.
1682				VII 10 " "
1683				From 1682 to 1691 inclusive five dividends were paid. ³
1684				
1685				
1686				
1687				
1688				
1689				
1690				
1691				
1692	Jan.	52-44	May 9, 16	XIII 3 per cent. on the new capital equal 12% on the old capital.
1693	Jan.	47-32	Oct. 6	
1694	12, 19 Jan.	34-20	Apr. 27, May 3	
1695	9, 16 Jan., 21 Aug., 13 Nov., 11 Dec.	23-18	Dec. 20-31	
1696	5 Feb.	21-17	Apr. 23, May 20, June 24, Dec. 30	
1697	6 Jan.	17 } 16 13 ⁴	Aug. 25-Dec	
1698	24 Aug.	17-15	Oct. 5	
1699	4, 11 Jan., 28 Mar., 16 Apr. to 10 May	16-14	Sept. 6	
1700	7 Aug.	24-15	Jan. 17	
1701	16-30 Apr.	18-12	Dec. 17-24	
1702	5, 12 Aug.	15-11	Feb. 4, 11; Apr. 29 to June 17	I ^a ½ per cent.
1703	25 Aug.	22½-12	Feb. 24 to Mar. 17	II ^a ½ per cent.
1704	15 Dec.	23½-18	Oct. 30	III ^a ½ per cent.
1705	8, 17 Jan.	21½-14¼	Dec. 5	
1706	14 June	17¼-14	Apr. 24	{ IV ^a ¾ per cent. V ^a ¾ " VI ^a ¾ " VII ^a ¾ "
1707	8-20 Jan.	15¼-7¾	Aug. 15-25	
1708	7 June	8¼-4¾	Apr. 14	
1709	7 June	6-2½	Oct. 7	
1710	4 Jan.	4¼-2½	Feb. 20	
1711	5 Oct.	4½-2½	May 23, July 9-23	

DIVIDENDS AND PRICES OF STOCK.—(Continued.)

Year.	Date of Highest Price.	Prices.		Dividends.
		Highest and Lowest Prices.	Date of Lowest Price.	
1712	11 Jan., 15 Feb., 22 Feb., 7 March	4¼-2¼	May 7	
1713	2, 16 Jan.	4¼-3¾	Jan. 9	

NEW STOCK AFTER REORGANIZATION

1714	2 Feb.	60-45½	Dec. 18
	8 Jan.	46-22	Dec. 10-28
1715	8-27 April	27-15	July 27-Aug. 22; Sept. 28-Dec. 2
1716	4 Oct.	30-15	June 18-Aug. 5
1717	6 Dec.	22¾-16	July 5
1718	3-11 Jan.	22½-16	June 3-Aug. 29
1719	23 Oct.	26-23	Oct. 14
1720	3 June	85-23½	Jan. 1-8

¹ The prices up to 1703 are taken from Houghton's *Collection for Improvement of Husbandry and Trade*, after that date from the *Postman and Historical Account*, the *Daily Courant* and other newspapers.

² Treasury Records, Royal African Co., No. 1455 (Stock Journal), No. 1678 (Minute Book of Assistants).

³ There are no Stock or Court Books in existence for these years.

⁴ 13 for cash, 16 in "Bank Money."

W. R. SCOTT.

prietorship with jurisdiction, government for economic ends chiefly, and discretionary administration. The absence of private property is the most striking feature, perhaps, of this colony. Under the charter the soil of Virginia was given by the crown to the Virginia Company and held by the company at its own disposal. Houses were built upon the soil, and garden-plots were assigned¹ to colonists, but there was nothing of permanence in the possession so given, and private property in land was thus absent. The labor of the colonists was pledged to the company for a term of years, being at the disposal of the company's governor in return for maintenance and future dividends.² While the word "servant" is seldom applied to the company's colonists, probably because they were technically stock-holders, nevertheless they were really hired employees and treated as such. It is true, then, that private property in labor was absent. Cattle were constantly sent to Virginia by the company.³ Necessarily they were cared for by colonists, but they seem to have remained company property.⁴ Sandys calls them happily "the goods of the Company, for the service of the public."⁵ The produce of the colonists' labor, when exported, was the property of the company and sold for its benefit. Economic conditions indicate the colony as like a private estate. Two other facts are pertinent; colonists had no right to export for themselves,⁶ they had no right of residence if the colonial governor thought fit to deport them, nor right to depart if the governor were unwilling that they should do so.⁷

Agriculture was the basic industry of colonial life, because no other source of food supply was as convenient and reliable as that of the tilled field. The other sources of supply were Indian trade, fishing and English aid, but none of these was as important as agriculture. The historical importance of agriculture lies in its moulding influence upon colonial life. In Virginia especially, the rise of tobacco-culture was notable, but even before the first tobacco-crop the value of land as a means for agricultural effort was leading the colonists on to progressive steps of great significance. The tillage

¹ Force, *Tracts*, I. "New Life of Virginia," p. 14.

² For terms given colonists: Force, *Tracts*, I. "Nova Britannia," 23-24; also Brown, *Genesis of the United States*, I. 249, 253, 426. For management of labor: Force, *Tracts*, III. "True Declaration," p. 20, and "Laws Divine," pp. 15-16; also Brown, *Genesis*, I. 491-493.

³ Force, *Tracts*, I. "New Life of Virginia," p. 12; "Nova Britannia," p. 23.

⁴ Force, *Tracts*, III. "Laws Divine," p. 15, shows control by company.

⁵ Brown, *The First Republic in America*, 225.

⁶ Free trade began 1618. Brown, *First Republic*, 259.

⁷ Free migration was granted by 1617. Brown, *Genesis*, II. 798.

colony agriculture took its place as the industry on which colonial life depended most. Fishing and fur-trade were developed, it is true, but to the colonists themselves the importance and necessity of tillage were clear,¹ and their earliest disagreement with the London partners was caused by their demand for land of their own.² Union of jurisdiction with proprietorship existed at New Plymouth also by virtue of the patent from the New England Council.³ There was no separation of the two in colonial administration. Colonial government was carried on for economic purposes, the governor being responsible to the London partners and occupied in overseeing labor and supplies.⁴ The last feature of those enumerated was present, though not in the absolute form adopted in Virginia. At New Plymouth the governor, although an officer charged with the interests of European investors, was nevertheless elected to his place by the colonists. His elective tenure seems not, however, to have prevented him from wielding discretionary power,⁵ unchecked by local statutes or immunities of any sort.

New Netherland was first settled with posts of fur-traders, but until 1624 there is no evidence of family life or of systematic agriculture in the colony and, therefore, no hint of permanent settlement. After 1624, when the West India Company sent over actual agricultural colonists, the history of New Netherland shows some likeness to that of the English colonies. The details of the first ten years after 1624 are very obscure, but such positive and negative evidence as exists points clearly to a type of colony like that of Jamestown in its essential characteristics. As to land-ownership, it is clear that the company bought Manhattan Island for itself in 1626 and removed to it the scattered colonists previously sent over, that six farms were laid out, which seem to have been company property at first and were certainly so some years later, and that there is no reference to private land holding on Manhattan before 1636.⁶ As to labor, it is certain that a considerable part of the colonists were employees of the company.⁷ There is no definite

¹ *Ibid.*, 162.

² *Ibid.*, 58.

³ Massachusetts Historical Society, *Collections*, Fourth Series, Vol. II.

⁴ *History "of Plimoth Plantation,"* 129, 133-135, 139, 191.

⁵ *Ibid.*, 133-135, 151, etc.

⁶ Scattered hints on land in *N. Y. Col. Docs.*, I, 37, in *Doc. Hist. of N. Y.*, III, 28, 31, 32, in *N. Y. Hist. Soc. Coll.*, 2d S., II, 345. While there is no positive evidence against private holdings before 1636, the conditions are such as to throw the burden of proof upon those who might claim their existence. It is unlikely that private holdings should exist during 1627-1636 without some current or retrospective reference to them.

⁷ *Doc. Hist. of N. Y.*, III, 30; *N. Y. Col. Docs.*, I, 181, 296, II, 765; Force, *Tracts*, II, "Planters Plea," 27-28.

tion of the plantation type can be roughly traced in the time of Dale and Argall. The change seems to have begun in 1614 when Dale allotted small tracts to some of the colonists on a formal tenure involving quit-rent and one month of labor in each year.¹ These tracts passed to private tillage, and before the close of the year there were eighty-one of these farms in the colony.¹ Whether this idea was Dale's own, or the result of English orders, is not clear. Up to this time the colony had cost the proprietors about 500,000 dollars² without any balance of profit, and Dale's move seemed intended to make the colony self-supporting. The new policy was popular in Virginia. In 1617, when Argall came, the number of tenant-farmers on the company land outnumbered those bound to regular service.³ Apparently acting under instructions, Argall did more to destroy the old system on the company's plantation by selling the cattle to private owners.⁴ A year later he reported that the land under cultivation was completely exhausted,⁵ and some hints indicate that he stopped entirely the work on the company's farms.⁶ Thus within five years the colonial governors were evidently shifting off from the company the burden, as it had proved to be, of managing a plantation. There yet remained various tracts to the company, worked by colonists whom they sent over, but the Jamestown plantation was parcelled out to private interests. The proclamation of 1619 may perhaps be called its final ending.⁷

The plantation at New Plymouth had a shorter lease of unity than that at Jamestown. Discouraged by recurring ill-luck the London proprietors, upon whom rested the burden of maintenance, failed to send their people adequate support. Governor Bradford met the emergency in 1623 by assigning tracts on yearly tenure with economic independence for each possessor. In the same year the London partners sent over free planters for the first time, and their number was increased somewhat by an emancipation of discontented colonists.⁸ By the close of 1623 the New Plymouth colony had reached the same point to which Jamestown had come in 1616, that is to say, it contained private interests and free labor based upon a very weak land-tenure. In this condition the colony remained for a time, while the London partners made some futile

¹ Brown, *First Republic*, 205, 227, 229.

² *Ibid.*, 432.

³ *Ibid.*, 253.

⁴ *Ibid.*, 258, 279.

⁵ *Ibid.*, 260.

⁶ *Ibid.*, 277.

⁷ *Ibid.*, 287.

⁸ Changes of 1623 in *History "of Plimoth Plantation,"* 162, 201, 171, 178, 188.

to be turned from tillage to pasture.¹ Director Van Twiller, under whom these incidents occurred, was superseded in 1638 by Director Kieft. In his first year of control some orders were issued for the control of the company's men and the recall of company property,² but the growth of private interests was encouraged. It was Kieft who created a mass of tenantry on Manhattan Island by granting lands on quit-rent, first by specific instrument and then by general order.³ The grants made during Kieft's first two years included leases of the company farms, of its saw-mill and smithy,⁴ showing the completeness of the growth of individualism. Apparently the Manhattan agricultural settlement had passed through the same cycle of change as Jamestown and New Plymouth, although its progress is far more obscure.

The summing up of these repeated examples of plantation change must be, at the best, unsatisfactory, because of the lack of full details, but there seems to be a logical course of events. The first step was doubtless the appearance of the free laborer on the plantation, whose presence was due, not to free immigration, but to the expiration of service. Many colonists went back to Europe when their terms expired, but others preferred the free frontier life. The next step may have been a demand for private tracts at a time when absentee farming was felt to be a failure. The third step was perhaps the knowledge that private enterprise could pay more toll to the proprietors than the proprietors could win for themselves by direct plantation effort. It may fairly be said that the collapse of proprietary effort was closely connected with the rise of the free planter. Perhaps John Locke showed a touch of shrewd foresight when he wished to make the colonists of Carolina a class doomed to perpetual service.

About the same time that the plantation colonies transformed themselves, another alteration of conditions took place in each colony, which emphasized the transition of colonial government from economic motives to political. This was the differentiation of colony government from local government. The governments of the early plantation colonies had in them the elements of both local and general control, managing as they did the actual interests of single small settlements and yet holding the powers necessary for governing the whole region in which a settlement lay. At first these colonial governments were essentially local in nature.

¹ *N. Y. Col. Docs.*, XIV. 5-6, 19; *N. Y. Hist. Soc. Coll.*, 2d S., I. 279.

² O'Callaghan, *Laws and Ordinances*, 17-18, 20.

³ *N. Y. Col. Docs.*, XIV. 6, 9-10.

⁴ *N. Y. Col. Docs.*, XIV. 7, 21-23, 26; *Calendar Dutch MSS.*, 11.

subordinate plantations. In 1620 the peculiar corporate form was adopted for another plantation organized for Virginia, but oddly cast upon New England shores instead. The self-government of New Plymouth was an anomaly in colonial settlement, which needs more explanation than has yet been given.¹ Normally the plantation governor should have been sent over from London.

The development of modified forms in New England was accompanied by much apparent confusion, because the various small settlements were left to follow their own courses without general supervision. The New England Council always intended to establish a general colonial government over New England, making it a unity like Virginia, but the council was too poor to carry out the idea. Owing to this plan, the various settlements which were founded under the council's patents were considered to be subordinate plantations. Hence the variety in the forms of settlement, some having jurisdiction, as New Plymouth, Wessagusset, Massachusetts Bay and Piscataqua, while others had no civil power whatever. Hence also the varied results visible after the plantation efforts had collapsed, as the most of them did. Out of the ruins of plantation efforts arose a modified form of remarkable vitality, that is to say, the New England town. In its completest form it was a corporate plantation, with combined powers of jurisdiction and proprietorship, and a small measure of economic unity.

In New Netherland the modified forms of the plantation type appeared in 1630, when private settlements were organized under the provisions of the Articles of Freedoms and Exemptions. Of the three patroonships established, Swanendael was destroyed by Indians, and Pavonia was united to the Manhattan plantation, but Rensselaerwyck, on the Hudson River, kept an almost independent existence for many years. Other patroonships were created at a later date and New Netherland had several forms of local government. The tenant rights of the Rensselaerwyck property endured to make trouble for the New York government until the middle of the nineteenth century.

What was the original source of the plantation type which appeared in America is an interesting question. There is a tempting analogy between the plantation type in America and the manor

¹ Bradford curiously fails to tell of any agreement as to government. Robinson's letter, *Hist. "of Plim. Plant.,"* p. 81, shows that the concession preceded the voyage. The Mayflower compact was probably a temporary device. Smith says in 1624 (Arber, *Smith*, p. 782) that the Plymouth men received council and directions from the London partners but no commands. Queries arise in connection with the particulars' agreement (*Hist. "of Plim. Plant.,"* 177), Lyford's complaint against exclusion (p. 217), and the partners' complaint (p. 238).

type in Europe. Both are based upon the ideas of economic unity and proprietary jurisdiction,¹ and some resemblances may be traced in the manner of working. In some cases there is clear evidence that the Old World manor was copied in modified forms of the plantation type. This is true of the Maryland manors, in certain Virginia plantations, in the patroonships of New Netherland and in Gorges's settlement in Maine. Feudal ideas are plain in the charters of Calvert, Plowden, Gorges and the Carolina grantees. Nevertheless, this does not prove that Jamestown or New Plymouth or Manhattan were copies of manors either in their forms or in their workings. The question is an open one.

L. D. Scisco.

¹ Note the charge that Pierce intended to make the New Plymouth settlement a manor, in *Hist. "of Plim. Plant.,"* 167-168.

THE STATE OF FRANKLIN

IN the history of the American frontier there have been repeated instances of the settlers' themselves taking the initiative in the erection of local governments. Of these governments, formed by absolutely no other authority than that of the people directly concerned, perhaps the most noteworthy is that of the state of Franklin. It was maintained for about three years against the authority of the parent state, North Carolina. The movement could not justly be called a rebellion, however, as it was not begun till after the settlers thought themselves abandoned and left without any government. Seven years before, they had gladly given up their first independent association and accepted the authority of North Carolina.

This first government, or "Watauga government," as it was called, was formed in 1772. The first settlers, who had crossed the mountains and established themselves along the Holston, Watauga, and other streams of what is now eastern Tennessee, found themselves beyond the influence of the laws of North Carolina, within whose territorial limits this region was included. In this situation they easily and naturally organized a government for themselves, passed laws, and put them into force quite independently of any outside influence. In doing so they merely carried a little further the principles of the North Carolina Regulators, with which they were doubtless familiar. In another aspect their situation and their action were quite similar to those of the Pilgrim Fathers. The Watauga government was in operation — quite successful operation, so far as we know — for five years, when at the request of the settlers themselves the North Carolina government was extended over them. Laws were passed to confirm marriages and other acts requiring state sanction. So the Wataugans easily became North Carolinians. Other communities of that region went through a similar political experience.¹ It was not strange that these backwoodsmen, after their experience with independent government, should easily revert to it when in their opinion their interests demanded it. It has been suggested that the example of Ver-

¹ For a fuller description of the Watauga, Cumberland, and Clarksville associations see Turner, "Western State Making in the Revolutionary Era," in *AMERICAN HISTORICAL REVIEW*, Oct., 1895.

mont, maintaining her independence successfully against the states of New York and New Hampshire, was the cause of the Franklin movement.¹ Vermont's action may have had some influence on the Franklin leaders, although there is no direct evidence of it. Moreover, considering the character and experience of these frontiersmen it would seem that only an occasion was necessary to make them take the step they did.

The occasion was furnished by an act of the North Carolina general assembly by which her territory west of the mountains was ceded to Congress. This was in response to a request by that body that all states claiming lands beyond the Alleghanies should give them up to help defray the expenses of the Revolutionary War. Congress had just passed the ordinance containing the so-called Jefferson plan for the division and organization of the west into new states.² One of the rectangular states of that plan included most of the territory occupied by the settlers whom we are considering. Not only did it seem to them that their statehood was assured by the action of Congress and of North Carolina, but they were made to feel that at least some prominent North Carolinians were glad to get rid of them for personal reasons. It was reported that when the cession bill was before the North Carolina general assembly, and the members from the transmontane counties were pleading to be continued as a part of the state, prominent members from the older counties said that the Western people were the offscourings of the earth and they would be well rid of them.³ The delegates from the four western counties carried the news of the cession to their constituents. Two years had been allowed Congress in which to accept the territory. This was made much of, while the correlative declaration, that it should remain under North Carolina's jurisdiction until so accepted, was disregarded. The standing and well-grounded complaints of North Carolina's excessive and unjust taxation and her inadequate judicial and military provision for the west influenced many in favor of the new state scheme. So for various reasons there was a large party ready to embark upon it.

A committee composed of two members from each captain's company proposed an election of delegates from Washington, Sullivan, Greene, and Davidson counties, who should meet in convention at Jonesborough with power to adopt such measures as they

¹ Moore, *Hist. of North Carolina*, I. 364.

² For a discussion of Congressional action along this line see the writer's "Evolution of the American System of Forming and Admitting New States into the Union," in *Annals of the American Academy of Political and Social Science*, Nov., 1901.

³ Franklin general assembly in Address to Governor Martin, *Pennsylvania Packet*, Nov. 21, 1785.

might deem advisable. An election was held in all but Davidson county, and the first convention met Aug. 23, 1784. John Sevier was made president, and Landon Carter secretary.¹ This convention adopted the report of a committee,—that they had an undeniable right to petition Congress to accept North Carolina's cession and "to countenance us in forming ourselves into a separate government, and either to frame a permanent or temporary constitution, agreeably to a resolve of Congress." They show their expectation of incorporating the neighboring settlements of Virginia by announcing that "When any contiguous part of Virginia shall make application to join this Association, after they are legally permitted, either by the state of Virginia or other power having cognizance thereof,² it is our opinion that they may be received and enjoy the same privileges that we do, may or shall enjoy." It was further decided that "one or more persons ought to be sent to represent our situation in the Congress of the United States, and this convention has just right and authority to prescribe a regular mode for his support."³ The vote stood 28 to 15 in favor of forming into a separate and distinct state "at this time." There is evidence that Sevier himself was opposed to the movement at first. He wrote to Joseph Martin that he was "Dragged into the franklin measures by a large number of the people of this Country."⁴ The lack of harmony was particularly manifest in the second convention, called for the purpose of drawing up a constitution. It did not meet till November, 1784, several weeks after the time set for it, and then broke up in confusion.

Meanwhile, before Congress had had an opportunity to accept North Carolina's western territory the act of cession was repealed by the North Carolina general assembly. In the act of repeal the reason therefor is given as follows:

That the cession, so intended, was made in full confidence that the whole expense of the Indian expeditions and militia aids to the states of South Carolina and Georgia should pass to account in our quota of the continental expenses in the late war; and also that the other states holding western territory would make similar cessions, and that all the states

¹ For a sketch of what the four conventions accomplished see Ramsey, *Annals of Tennessee*, 286 ff.; also Haywood, *History of Tennessee*, 137 ff. For a general account of the state of Franklin, particularly in reference to relations with the Indians, see President Roosevelt's *Winning of the West*, III. ch. iv.

² In view of the reference to the resolve of Congress just above, the "other power" is plainly Congress itself, to whom, in the opinion of the mountaineers, North Carolina had ceded their territory. President Roosevelt (*Winning of the West*, III. 157) is hardly warranted in concluding from this phrase that they "ignored the doctrine of State Sovereignty."

³ Committee report in Rev. S. Houston MSS., quoted by Ramsey, *Annals of Tennessee*, 287.

⁴ *Calendar of Virginia State Papers*, IV. 416.

The whole house having met, the Report of the Committee was laid before them, and rejected in the lump; in consequence of which, the whole house took up the North Carolina Constitution, and hastily reading it off, approved of it in the general, whilst the friends of the Report of the Committee strove to introduce, but all in vain, some material parts of their plan, viz., a single house of Legislation, equal and adequate representation, the exclusion of attorneys from the Assembly, etc., and failing in these most important points, by the unanimous consent of the whole Convention, obtained leave to enter upon the Journals, their dissent to what had been carried in Convention, and also to hold out to the people, for their consideration, the Report of the Committee.¹

It was the constitution reported by this committee that Samuel Houston advocated. He circulated printed copies with his preface—all to no purpose however, as the people were satisfied with the North Carolina constitution as adopted by the convention.

Under the North Carolina law providing for a brigadier-general of militia for the western counties John Sevier was appointed to the office. It does not seem likely that he knew of it when, at the election of the third convention, he made his speech against the new state movement. At any rate, in view of his subsequent action this appointment cannot be given as the cause of his opposition. The facts that he had already served North Carolina in different public capacities, was a prominent King's Mountain hero, and was without doubt the leading man in the region, are quite sufficient to explain his appointment to that important office.

Colonel Joseph Martin, agent to the Cherokee Indians for the states of North Carolina and Virginia,² was, in his official capacity, naturally against the new state, although he evidently had a good deal of sympathy with it. Arthur Campbell, the county lieutenant and a justice of Washington county in Virginia, charged him in a letter to the governor with being chosen "at his own solicitation one of the Privy Council for the State of Frankland." But this was indignantly denied by Martin. In a letter to Governor Henry he admitted that the Franklin assembly had elected him to their privy council, but declared that "no Earthly thing shall prevail on me to neglect my duty as Agent for the State of Virga. so long as I have the honour to fill that office," and that he was "in Every Sence of the word against a New State."³ It is from his reports, however,

¹ This preface and constitution are printed in *The American Historical Magazine*, I. 50.

² He was a candidate for appointment by Congress as Indian commissioner for the entire southern department. See certificate of Governor Alex. Martin, dated April 16, 1785, that "Colonel Joseph Martin hath been appointed Agent to the Cherokee nation of Indians by this State for some years past"; also his request of Governor Patrick Henry for a similar certificate, that the two might be forwarded to Congress to further his candidacy. *Calendar of Virginia State Papers*, IV. 24 and 25.

³ For this correspondence see *Calendar of Virginia State Papers*, IV. 31 and 53.

taught to believe, from one of the members of that dist., would give full satisfaction.

It has also been suggested that the Indian goods are to be seized, and the commissioners arrested, when they arrive on the business of the treaty, as infringing on powers of your new government, for which they are stopped. I shall not proceed with the commissioners, until we are assured how far the militia of Washington are to be relied on for guards in concluding of the treaty, whom alone I designed to call upon to attend this duty. You will also please inform me respecting the proclamations, to remove all intruders on the Indians land, and what is done in Hubart's case, of which I wrote you by colonel Martin.

In the meanwhile,

I am with respect

Your most humble servant

ALEX. MARTIN.¹

In the reply to Governor Martin the Franklin general assembly presented an admirable statement of the Franklin case against North Carolina. It is found in the *Pennsylvania Packet* of May 21, 1785, and is worth quoting in full as follows :

Sir,

Your letter of the 27th of February, directed to brigadier general Saveez, favored by major Henderson, was laid before the general assembly of the state of Franklin, by the governor : we therefore think it our duty to communicate to you, the sense of the people of this state, and observe your excellency's candor in informing us that the reason North Carolina repealed the cession act, was, because the sense of Congress was to allow the state of North Carolina nothing for the land ceded ; the truth of that assertion we will not undertake to determine—but we humbly conceive, the terms on which Congress was empowered to accept the cession, was fully expressed in the cession act itself ; and consequently every reason existed for not passing that act, that could have existed for the repeal ; except that of doing justice to the United States in general ; who, upon every principle of natural justice, are equally entitled to the land that has been conquered by our joint efforts : and we humbly thank North Carolina for every sentiment of regard she has for us, but are sorry to observe, that as it is founded upon principles of interest, as is apparent from the tenor of your letter, we are doubtful, when the cause ceases which is the basis of that affection, we shall lose your esteem.

Reflect, sir, upon the language of some of the most eminent members in the general assembly of North Carolina at your last spring session, when the members from the western country were supplicating to be continued a part of your state : were not these their epithets, "The inhabitants of the western country are the off-scourings of the earth ; fugitives from justice ; and we will be rid of them at any rate." The members of the western country, upon hearing these unjust reproaches and being convinced it was the intention of the general assembly to deprive them

¹ *Pennsylvania Packet*, May 21, 1785. The question regarding Hubart, who had murdered an Indian, was a pertinent one, as he had been elected member of the Franklin assembly. See Joseph Martin to Patrick Henry, *Calendar of Virginia State Papers*, IV. 18.

in our power, and hope to find the same sentiments prevailing in them towards us.

Your very humble servants

LONDON CARTER, S. S.

WILLIAM CAGE, S. C.

By order of both houses of the general assembly.

THOMAS TALBOT, C. S.

THOMAS CHAPMAN, C. C.

To his Excellency Alexander Martin, Esq.
Governor of the state of North Carolina.

Meanwhile, as his letter to Sevier had been unavailing, "Gov. Martin published a long manifesto opposed to the measure of the government of Frankland and using some threats in case the new authority was not given up."¹ In order to get his proclamation distributed among the people whom he intended it should influence, he sent it to Colonel John Tipton, a prominent opponent of the new state scheme, and bitter rival of John Sevier.

In the letter accompanying it he referred to Tipton's "Endeavors to prevent the late rash, and unwarrantable Measures of the people of the Counties of Washington, Sullivan, and Greene," and asked him to make the proclamation public through his "county, and elsewhere, it may be necessary by dispersing Copys thereof." In conclusion he thanked him for the "attempts he had already made to discountenance the lawless proceedings of his neighbors" and suggested that "they would not be unnoticed by the Legislature."² The circulation of this document does not appear to have had much effect upon the situation. According to one report it "was ingeniously answered by two different hands and afterwards held in much derision."³ It was moreover met by the counter proclamation of Governor Sevier, issued May 15, 1785. He charged that its object was "to create sedition and stir up insurrection amongst the good citizens of this state, thinking thereby to destroy that peace and tranquility that so greatly abounds amongst the peaceful citizens of this new happy country." He refers to the effective work of the backwoodsmen in the battle of King's Mountain and points out the ingratitude of North Carolinians, who "first invited to this separation" and "if in their power would now bring down ruin and destruction on that part of their late citizens, that all the world well know, saved the present state out of the hands of their enemy,

¹ *Maryland Gazette*, Oct. 11, 1785, quoting a letter from Richmond. Draper Colls., Newspaper Extracts, III.

² Governor Martin to Colonel John Tipton, Draper Colls., King's Mountain MSS., XI.

³ Richmond letter in *Maryland Gazette*, Oct. 11, 1785, Draper Colls., Newspaper Extracts, III.

While these efforts were being made to secure recognition by Congress and to enlist the support of prominent men in the other states, plans were being made to increase the numbers and extend the territory of the new state. We have noted part of the resolution of the first Franklin convention contemplating annexation of a "contiguous part of Virginia." There was quite a party in Washington county, Virginia, ready to join any movement that would free them from Virginia rule. Some account of their leaders, particularly Colonel Arthur Campbell, justice of the peace and county lieutenant, is worth giving not only to show their relation to the Franklin movement but also to show the temper of the frontiersmen and their readiness to throw off their state allegiance and embark on new government schemes.

The chief complaint of these people in 1785 was excessive taxation. Colonel Campbell declared that two million dollars more than was due had been taken already from the citizens of the county, and that they should insist on that sum's being accounted for before submitting to any further taxation. When some one urged in a public meeting that "the people Ought to pay the half Tax then Cal'd for, . . . Colo. Campbell Immediately replied, truly the Gentleman preaches up to You Passive Obedience and non-Resistance." On the same occasion it was announced that "the Sheriff would take Beef Cattle for the Collection, to make it Easy on those who Could not rais Money to pay their Taxes. Some of the people replied the would take up arms before the would pay Their Tax. Colo Campbell Instantly replied, he liked such Men, who would take up arms Rather than Submit to so unjust a Tax." When they were threatened with the military power of Virginia, he said "he could assure them there was no danger from that quarter. They would get assistance enough, especially from the Northern States, for they were groaning under their burthens, and wished for some way to extricate themselves." He added "that he could never think to live happy under such a Government, nor die in peace to leave his children under such Government ; for his part, he had rather fight till he lost the last drop of his blood."¹

Reports of the disloyalty of the county lieutenant of course reached headquarters and he was called to account for it in several letters from the governor. In his reply Colonel Campbell, after saying that the Whig interest "seemed to rest satisfied that an ami-

¹ Sworn depositions of General William Russell, James Montgomery, and others to the same effect, prepared for Arthur Campbell's trial for misconduct in office, also letters of the same import from some half dozen different men to Governor Henry. *Calendar of Virginia State Papers*, IV. 45, *et passim*.

and admission to the Federal Union.¹ But there seems to have been no public attempt to secure an addition of any part of Virginia's territory without her consent. Governor Sevier emphasized this in a letter to Governor Henry, saying, "we will on no account Encourage any part of The people of your state to join us, nor will we receive any of them unless by Consent of your state."² There seems to have been no discussion of a union with any part of Virginia after the fall of 1785.

In the spring of 1785 it was reported that a project of quite a different character was on foot, with the object of getting an accession of population and territory toward the south. It was nothing less than the incorporation of the Cherokee Indians into the new state—something decidedly exceptional in United States history. Difficulties had been expected when Governor Martin, alleging the defection of the Western people as the reason, refused to deliver goods promised to the Indians for their land or to hold any treaty with them. A little later he reported that "the Greatest part of the Cherokee and Creek Indians are for warr, occassioned by the State of Franklyn passing an Act to Extend their Boundary . . . without Holding any Treaty with them."³ Colonel Joseph Martin thought that if the Westerners should proceed with their new state movement it would involve the whole country in a general Indian war. The next report was that the Cherokees were likely to be incorporated in the state of Franklin and send delegates to her general assembly. What there was at the bottom of the report we cannot say. We have it from at least three different sources, letters dated May and June, 1785. Arthur Campbell wrote to Governor Henry that Governor Sevier was then "treating with the Cherokees with a view to an incorporation."⁴ A "gentleman in Washington" wrote that "The executive of the State of Franklin has lately concluded a treaty of amity and perpetual friendship with the Cherokee Indians, and a negociation is on foot to give that nation a representation in the new legislation."⁵ The *Maryland Gazette* (Oct. 11, 1785), published an "Extract of a letter from Caswell County, in the State of Frankland," whose author said: "A negociation is on foot with the Cherokees, and the aim will be to incorporate them and make them useful citizens. I dare say this project will startle

¹ Joseph Martin thought this was their reason for trying to get Virginia towns to join them. Joseph Martin to Governor Henry, *Calendar of Virginia State Papers*, IV. 54.

² *Calendar of Virginia State Papers*, IV. 43.

³ Joseph Martin to Governor Henry, *Calendar of Virginia State Papers*, IV. 18.

⁴ *Calendar of Virginia State Papers*, IV. 32.

⁵ *Pennsylvania Packet*, Aug. 6, 1785.

In the summer of 1785, Governor Martin's administration having expired, North Carolina's attitude seemed more friendly.¹ An amicable settlement with the parent state seemed probable. Indeed Governor Martin himself had hinted at a formal and legal separation when he admonished the western men to remain loyal to North Carolina "until the consent of the legislature be fully and constitutionally had for a separate sovereignty and jurisdiction." Again he is reported to have suggested that negotiations be opened for a division of the back lands with North Carolina without the interference of Congress, and that a liberal compact might "be formed and their separation recognized constitutionally."² North Carolina appeared to object to the organization of the new state, simply because its organization had been effected without authorization. Even the North Carolina constitution, adopted in 1776, recognized that there might be "the Establishment of one or more governments westward of this State by the consent of the Legislature."³ So it would seem that with "a very friendly overture" from "Governor Caswell and some others, the first characters in that state," the outlook was promising for a peaceful settlement with North Carolina. The executive was but the servant of the legislature, however. Under a new election law passed in Nov., 1785, some members of the North Carolina general assembly were elected from Franklin counties by North Carolina partizans. This was the first interference with Franklin jurisdiction.⁴ In the session of Nov., 1786, North Carolina decided to reassume sovereignty and jurisdiction over the transmontane counties at once. It looked as though there would have to be submission or an armed conflict. In the hope of averting both, Governor Sevier "in Council" wrote a letter to the governor of North Carolina, in June, 1787, and sent it to him by Major Elholm, special commissioner from the state of Franklin. "We are unwilling and exceedingly sorry to think," he wrote, "that any violent measures should be made use of against any of our sister states, especially the one that gave us existence, though it now wishes to annihilate; and what occasions us excruciating pain is that perhaps we may be driven to the unparalleled necessity of defending our rights and liberties against those who, not long since, we have fought, bled and toiled together with, in the common cause of American Independence—otherwise become the ridicule of the whole world." "It is not the sword that can intimidate us,"

¹ Franklin letter dated Aug. 17, 1785, in *Pennsylvania Packet*, Sept. 30, 1785.

² Arthur Campbell to Governor Henry. *Calendar of Virginia State Papers*, IV. 32.

³ N. C. Const., Art. XXV. *Colonial Records of North Carolina*, X. 1005.

⁴ Sevier to B. Franklin. *Works of Franklin*, X. 290.

principles at the basis of Federal relations. But the constitution makers had no time to take up the claims of the North Carolina mountaineers, even if they had considered it wise to do so. In spite of the fact that the United States gave no recognition in any way to the state of Franklin and did absolutely nothing for it during the whole period of its existence, no official Franklin document and no letter written by a Franklin citizen, so far as we have been able to discover, breathed the slightest complaint against the Federal Government. Loyalty to the American Union was characteristic of them all. The influence of the frontiersmen upon the development of the national spirit in the last century and a quarter of American history is not sufficiently understood.¹ As the frontier has swept from the Alleghany Mountains to the Pacific Ocean and the backwoodsmen have founded state after state they have always been strong in their attachment to the Union. The founders of Franklin, which might be called the first western state, showed their consideration for the Federal Government in practical ways, if we may credit the accounts that have come down to us. We can easily believe the "writer from the state of Franklin" whose letter was published in the *Maryland Journal* in July, 1787. He wrote: "They have opened an office in the State of Franklin for the disposal of the lands given up to them by the Cherokee tribe. . . . The money arising from the sale of the said lands is to be reserved in the Treasury for the express purpose of paying their quota of the Federal Debt, as they are all friends to the Federal Government if they can enjoy it." We may well question whether much money was actually laid aside for the Federal debt, but it does not seem doubtful that such was the intention.

The new commonwealth was not backward in considering the distinctive interests of the west. The *Maryland Journal* reported the sending of "two Deputies to Kentucky to meet a Convention of all the western settlements for the purpose of consulting on proper measures respecting the navigation of the Mississippi." At another time the aggressions of the Spanish from the Floridas and Louisiana received vigorous consideration, especially when it was reported "from undoubted authority that many of their citizens had been deprived of their lives, liberties and property, within the jurisdiction of the United States, by persons acting under the authority of his Catholic Majesty's government." The *Maryland Journal* credited the news "from the State of Franklin" that their "Assembly, as the Fathers of the people, thinking it their indispensable

¹ See Turner's "The Significance of the Frontier in American History," *Report of the American Historical Association*, 1893, p. 199.

some time since. I have supported the authority of Franklin during my continuance in office, and if the People have not spirit enough to support it farther, I shall not concern myself more than to secure my person and friends from the hands of Ruffins and assassins." ¹ In response to another letter from General Martin, Sevier wrote, April 3: "I have just now been Hon'd with your letter with respect to an accommodation of our unhappy disturbances. I am ready to suspend all kind of hostilities and Prosecutions on our part, and bury into total Oblivion all past conduct. If you and the officers under your command will accede to the like measures Until the Rising of the next North Carolina Assembly, and be guided by the deliberations of that body, peace and Order may immediately take place." ² A few days after this General Martin wrote to Governor Randolph: "I returned last evening from Green Co. Washington district, North Carolina, after a tour through that Co'ntry, and am happy to inform your Excellency that the late unhappy dispute between the state of North Carolina and the pretended State of Franklin is subsided. . . . I have met with some Difficulty in settling the dispute, and flatter myself that it is affected." ³ On April 12 Arthur Campbell wrote to Governor Randolph, "The commotions in what was called Franklin has subsided, and Mr. Sevier is elected a Member for the North Carolina Convention." ⁴ Surely at this time the state of Franklin was no more.

Of the many schemes for forming new governments west of the Alleghany Mountains ⁵ none up to this time had reached the development attained by this state, formed by the pioneers themselves, and maintained for three years against the indifference or avowed opposition of the old states. Its history is perhaps the best illustration that can be given of the political conditions existing on the American frontier prior to the adoption of the Constitution. It may be that the scenes described above would have been repeated again and again all along the frontier, with perhaps not always the same outcome, if Congress had not been enabled to provide a better system.

GEORGE HENRY ALDEN.

¹ *Calendar of Virginia State Papers*, IV. 416.

² *Calendar of Virginia State Papers*, IV. 421.

³ *Calendar of Virginia State Papers*, IV. 432.

⁴ *Calendar of Virginia State Papers*, IV. 424. The convention referred to was the one which rejected the Constitution of the United States, to Sevier's disgust.

⁵ For a number of those plans see the writer's "New Governments West of the Alleghanies before 1780." *Bulletin of the Univ. of Wis., Historical Series*, II., No. 1.

AN UNPUBLISHED MANUSCRIPT ON THE RISING OF 1647-1648 IN NAPLES

PROBABLY no episode of comparatively local importance in the middle of the seventeenth century was productive of more contemporary literature in more different languages than the rising of 1647-1648 in Naples. A considerable part of this literature is from the pens of eye-witnesses and participants in these stirring scenes, and is, therefore, of the greatest value in forming a correct estimate of the principal actors in the rising. A special interest attaches to the narrative of Giuseppe Donzelli, Baron of Digliola. His *Partenope Liberata, Parte Prima*,¹ was the first account of the revolution and bears the imprimatur of Gennaro Annese, accompanied by the special sanction of the Duc de Guise. It was published in February, 1648, though it bears the date of 1647 on the title-page, and therefore saw the light before the Spanish power was restored and the incidents of the insurrection were at an end. Donzelli was on the point of publishing Part II., when an order from the magistrate forbade the printing of further copies of Part I.; and an effort was made to destroy all that had been already issued.² As a result of this action this book has become exceedingly rare, and has not been accessible to some investigators of the rising.³

Doctor Giuseppe Donzelli, Baron of Digliola, was perhaps better known to his contemporaries as a learned physician and chemist than as a literary man. Born in 1596, he established his reputation by the invention of a sort of medicinal potion and stimulant, of which he made considerable use.⁴ He published many scientific

¹ *Partenope Liberata ovvero Racconto dell' Heroica Risoluzione Fatta dal Popolo di Napoli per Sottrarsi con Tutto il Regno dall' Insoportabil Gioogo dell' Spagnuoli Parte Prima.* Naples, 1647.

² Soria, Francesantonio, *Memorie Storico-Critiche degli Storici Napolitani.* 2 Vols., Naples, 1781-1782. I., 214.

³ Vogt, quoted by Soria, in his catalogue of rare books, mentions having sought anxiously everywhere for a copy, without finding one. Soria likewise counts it among the rare books. Grifio, also quoted by Soria, says: "It is rarer on this account because the writer indulged in bitter invective against the Spaniards, which made it difficult to publish it again."—Soria, Vol. I., p. 215.

⁴ Orloff, Gregoire, le Comte, *Mémoires Historiques, Politiques et Littéraires sur le Royaume de Naples, publiés avec des Notes et Additions* par Amaury Duval. 5 vols. Paris, 1819-1821. Vol. IV., p. 329.

treatises, one of which, entitled *Teatro Farmacutico, Dogmatico e Spargirico*, first published in 1661, is said to have passed through twenty-two editions. His other scientific works bear such titles as *Synopsis de Opobalsamo Orientali et de Theriaca*, which was published in Naples in 1640, and *Antidotario Napoletano di Nuovo Reformato e Corretto*, also published in Naples in 1649. He was also a member of the Academy of the Discordanti.

Judging from the introduction to the published portion of his book,¹ Donzelli was not only a zealous partizan of the people's cause, but an ardent admirer of the Duc de Guise. These facts lend a special interest to the manuscript portion of his work.

The manuscript of *Partenope Liberata*, Part II., now in the Cornell University Library at Ithaca, N. Y., contains 120 quarto pages. It is a copy of another, itself a copy, which was preserved in the library of Baron Domenico Ronchi at Naples. This manuscript in the possession of Baron Ronchi was sold in 1814, and fell into the hands of the Duke of Cassano, Luigi Sarra. The date of the Cornell Library copy is difficult to determine. It is written in script on heavy linen paper resembling parchment and is bound in boards. It commences with the words: "Doppo cavalcato per la Città con grandissima allegrezza del popolo, il Duca," etc., and ends: "E questo e il termine delle discordie civile, e straniere di Napoli, e del regno, che si sollevarono, e fecero grandissimi danni, che lingua humana ci vorrebbe per raccontarlo." But few copies of the *Partenope Liberata*, Part II., are in existence. Bartolommeo Capasso, who undoubtedly owned several manuscripts describing the insurrection and examined many others in the libraries of Naples, does not mention it in his elaborate bibliographical introduction to the *Casa e Famiglia di Masaniello*.² His silence, however, may be accounted for by the nature of his monograph, which has to do with Masaniello. Of the many secondary writers on the revolution, Mielle³ in his edition of the *Mémoires du Comte de Modène* is the only one to mention the existence of a Part II. and he is simply following Soria.⁴ The latter speaks of a "manuscript of the two parts" in the possession of the Prince of Tarsia, and refers the reader to the catalogue of his library. But as Soria's book was published in 1781, this copy may not be in existence to-day, or if in existence, may be

¹ Donzelli, Preface, p. 6.

² Capasso, Bartolommeo, *La Casa e la Famiglia di Masaniello: Ricordi della Storia e della Vita Napolitana nel Secolo XVII.* Naples, 1893.

³ Modène, Esprit de Raimond de Mormoiron, Comte de, *Mémoires sur la Révolution de Naples de 1647.* 3^e ed. publié par J. B. Mielle. 2 vols. Paris, 1827. Vol. I. contains bibliography.

⁴ Soria, Vol. I., p. 215.

"To look upon the fleur-de-lis is like the Devil beholding the Cross."¹ Again, the duke tells his friends to answer any inquiries as to his birth by saying that he was born outside of France, in a boat, and was baptized at the pier of Naples.¹ Such anecdotes aid materially in forming a final estimate of the central figure in this stage of the insurrection. It is to be borne in mind, however, that Donzelli perhaps reflects the opinions and gossip of the middle class, and that the statements in his book are not to be accepted as solving entirely the difficulties connected with the period. The main statements in Donzelli's narrative are corroborated by the *Mémoires* of Modène, whom Reumont regards as a safe guide for this period of the revolution. When one remembers the admiration expressed by Donzelli for the conduct of the Cardinal Ascanio Filomarino, that "most vigilant pastor, full of prudence, and by nature very obliging and in accord especially with this movement,"² the insertion in his account of the important fact, attested by Modène, that the Cardinal was *forced* to bless the sword of the Duc de Guise, under threat of being dragged through the streets by the mob,³ goes far toward impelling belief in other incidents not expressly corroborated by, and seemingly contradictory to other contemporary accounts. The book is perhaps lacking in arrangement; but it can hardly be said to be devoid of literary merit. The duke is now made the center of interest; now he is suddenly abandoned to describe the prosecution of the war in the suburbs of Naples. The verdict of Haim, which is quoted and accepted by Soria in his *Memorie*, is confirmed and strengthened by a careful examination of the manuscript portion of Donzelli's work: "Donzelli is one of the best historians of the rising of Masaniello."⁴

DANIEL CHAUNCEY KNOWLTON.

¹ Donzelli, Part II., p. 27.

² Donzelli, Part I., p. 12.

³ Donzelli, Part II., p. 5.

⁴ Soria, Vol. I., p. 215.

DOCUMENTS

1. *A Letter of William Bradford and Isaac Allerton, 1623.*

THE following letter is amongst a mass of unarranged and uncalendared papers in the Public Record Office in London, which were sent to that office from the Registry of the High Court of Admiralty. Its appearance in so unexpected a quarter is explained below. The original has been followed as closely as it is possible to follow in print a written letter. One or two contractions have been extended; the punctuation has been altered in one or two places; and the letters "v" and "u" have been interchanged according to modern usage.

The *Little James* went out in 1623 with supplies for the Plymouth colony. On her return to England in 1624 she was sued in the High Court of Admiralty by Stevens and Fell, two of her crew, for their wages. The defense was that they had forfeited their wages by their mutinous conduct; and, in the result, the claim was dismissed. The cause of discontent appears to have been that the *Little James* had a commission to capture ships, and that a French bank fisherman, who might have been captured on the outward voyage, was allowed to escape; and, further, that after the ship arrived in New England she was ordered by Bradford to go upon a fishing voyage, which the crew objected to, alleging that they had been hired for a privateering and not for a fishing voyage. Bradford's letter given below was produced as evidence for the defense in the suit of Stevens and Fell *c.* The *Little James*. It is throughout in the handwriting of William Bradford—the writing of the well-known "Log" of the Mayflower. It has no address, but the context shows that it was sent to the adventurers in London. Annexed to it are two other letters, one from Emmanuel Altham, the captain or commander of the *Little James*, the other from John Bridg (or Bridge), her master. Both of these are addressed to James Sherley, the treasurer of the adventurers in London. The address of the former is almost illegible; it appears to be as follows, but the words marked (?) are doubtful:

"To the Worshipfull (?) and my most respected loving kind friend M^r Jeames Sherle Treasurer for the New Plimoth adventurers dwellinge on London bridg at the Golden hoospyte (?)."

Bridge's letter, written from "Plemoth in New England" is dated 27th Sep., 1623, and is addressed:

"To his aproved frend M^r Jeames Sherley at his house in Croked Lane in London."

The *Little James* belonged to the adventurers, and upon her return to England she was taken possession of by Thomas Fletcher and Thomas Goffe under a decree of the Admiralty Court in payment of a debt of £250.

R. G. MARSDEN.

2 da¹

Beloved and kind freinds We have received your letters both by the Anne and the James, which are both safly arived here, thanks be to God, the Anne about the later end of July, and the James a fourthnight after, and by them a large and liberall suply, for which togeather with your loving and honest leters we give you hartly thanks, being very sorie to hear of your losses and crosses, and how you have been turmoyled therabout. If God had seen it good we should have been right glad it had come sooner, both for our good and your profite; for we have both been in a langwishing state; and also faine to put away our furs at a small vallew to help us to sume necessities, without which notwithstanding we should have done full ill, yea indeed could not have subsisted; so as we have little or nothing to send you, for which we are not a litle sorie; but if you knew how necessarily we were constrained too it, and how unwillingly we did it, we suppose you cannot at all blame us for it; we put away as much at one time and other of bevar as, if they had been savid togeather and sould at the best hand, would have yeilded 3⁰⁰ or 4⁰⁰ pounds; and yet those are nothing to those we have lost for want of means to geather them when the time was, which I fear will scarce ever be againe, seeing the Duch on one side and the french on the other side and the fishermen and other plantations betweene both have, and doe furnish the savages, not with toyes and trifles, but with good and substantial comodities,² as ketkes, hatchets, and clothes of all sorts; yea the french doe store them with biskay shalopes fited both with sails and ores, with which they can either row or saile as well as we; as also with peices powder and shot for fowling and other servises; (we are informed that ther are at this present a 100 men with 8 shalops coming from the eastward, to robe and spoyle their neighbours westwards); also I know upon my owne knowledg many of the endeans to be as well furnished with good ketkles, both strong and of a large size, as many farmers in england; yet notwithstanding we shall not nectlect to use the best means we can with the pinnas and means we now have, both for trading or any other imployment the best we can for both your and our advantage; but we are sorie that shée is maned with so rude a crew of sailors; we hope the maister is

¹ Secunda. This word in the margin of the original indicates that a duplicate was sent by another ship.

² Sic.

M^r peirce¹ (for ought I hear) hath used our passengers well, and dealt very honestly with us; but we wanted a perfect bill of lading, to call for ech parcell of our goods, which as you have occation we pray you see toe hereafter, for it is very requisite though you have to deale with honest men. we have agreed with him to lade him back for a · 150 · pounds, which you will thinke something much, but we could gett him no cheaper; we did it the rather that he might come directly home, for the furderance of our other affares; as also for some other respects necessarie and benefittiall for us; we have laded him with clapboard,² the best we could gett, which we hope at the least will quite the cost; for lengths they are not cut by the advice of the Cooper and pipe-stafmaker which you sent us; for thicknes they are bigger than those which come frome other places, which must accordingly be considered in the prices; the cooper of the ship saith they are worth · 5 · per · 100 · and I here he means to bye some of them of you; of which I thought good to give you notice.

We have also sent you that small parcell of fures which we have left, besides those we put away formerly; if the ship had but come one month sooner, we had sent you a good many more, though since that conspiracie raised against us by the Indeans, caused by M^r Westons people, and that execution we did at the Massachusets, cheefly for the saving of their lives, we have been much endamaged in our trad, for ther wher we had most skins the Indeans are rune away from their habitations, and sett no corne, so as we can by no means as yet come to speake with them. we have taken up of M^r peirce sundrie provissions, the cheefe wherof is bread, and course cloth, and some other needfull things withall; and with them he hath put upon us some other things less necessarie, as beefe etc. which we would not have had if we could have had the other without them; fear of want againe before suply come to us, as also a litle to encourag our people after ther great dishartening hath made us presume to charg you herewith; a bill of the pertickulars we have here sent you; we hope the fures will defray it.

It is for certain that great profite is here raised by fishing; the shipes have this year made great viages, and were a great many of them;³ and if we could fall once into the right cource about it, and be able to manage it, it would make good all; a good fishing place will be a great advantage for it, wher the boats may goe quickly in and out to sea at all times of the tide, and well stoed with fish neer at hand, and convenient places to make it, and build stages in, and then it will not only serve for

¹ About 14. days after came in this ship, caled the Anne, whereof M^r William Peirce was m^r, and aboute a weeke or 10. days after came in the pinass which in foule weather they lost at sea, a fine new vessell of aboute 44. tune, which the company had built to stay in the cuntri. *History "of Plimoth Plantation"* (1898), 171.

² This ship was in a shorte time laden with clapboard, by the help of many hands. Also they sente in her all the beaver and other furs they had, and M^r Winslow was sent over with her, to enforme of all things, and procure such things as were thought needfull for their presente condition. *Ibid.*, 177.

³ Thus, in the original, possibly some words were omitted.

the head of one of them stands still on our forte for a terror unto others ; they mett our men in the feild and shoat at them, but thank be to god not a man of them were hurte ; neither could they hurte the Indeans with their peices, they did so shilter them selves behind great trees, only they brake the arm of a notable rogue as he was drawing his bow to shoot at capten standish, after which they came away. we gave the capten ordere, if M^r Westons people would, that he should bring them to us and we would aford them the best secoure we could, or if they chose reather to goe to Monhegin, that then if he tooke any corne from the Indeans, he should let them have to victuall them thither (which accordingly was done, though ours had scarce enoughe to bring them home againe). yet for all this, and much more [the]y cannot afford us a good word but reproach us behind our backes.

Touching our governemente you are mistaken if you think we admite weomen and children to have to doe in the same, for they are excluded, as both reason and nature teacheth they should be ; neither doe we admite any but such as are above the age of 21 years, and they also but only in some weighty maters, when we thinke good ; yet we like well of your course, and advice propounded unto us, and will as soon as we can with convenience bring it into practice, though it should be well it were so ordered in our patent.

Now wheras you think we have been to credulous in receiving insinuations against you, and to rash in complaining and censoring of you ; as also that to pertickular men letters have been written not with that descr[e]tion and deliberation which was meet, we answare what others have written we know not, neither could hinder ; if ther be any thing otherwise then well lett them beare their blame ; only what we have written we best know, and can answer. and first we wishte you would either roundly suply us, or els wholly forsake us, that we might know what to doe ; this you call a short and peremptorie resolution, be it as it will, we were necessarily occationed by our wants (and the discontents of many) therunto. yet it was never our purpose or once came into our minds to enter upon any course before we knew what you would doe, upon an equall treaty of things, according to our former, as we conceivd, bonds between us. And then if you should have left us we mente not to joyne with any other (as you it should seeme conceived) but thought we could get our selves foode, and for cloathes we Intended to take the best course we could, and so to use the best means we could to subsiste, or otherwise to returne. though Indeed we thinke if you had left us we might have had others desirous to joyne with us. also you may conceive some of us have had enough to doe to hould things togeather amongst men of so many humors, under so many dificulties, and feares of many kinds ; and if any thing more hath been said or written to any by us, it hath been only to shew that it might rather be marvelled that we could at all subsist, then that we were in no better case haveing been so long without suplie, and not at all for your disgrace. If necessity or pation have caried others funder, your wisdoms will (I doute not) beare

likewise) not knowing how to recompence your kindnes. it is more then we have deserved at your hands.

Touching those which came unto us in ther pertickular, we have received them in as kindly maner as we could, according to our abilite, and offered them as favorable termes as we could touching their footing with us. yett they are sundrie of them discouraged I know not whether by the countrie (of which they have no triall) or rather for want of those varietis which England affords, from which they are not yet wayned, and being so delitefull to nature cannot easily be forgotten without a former grounded r[esolu]tion. but as they were welcome when they came, [so sh]all they be when they goe, if they thinke it not for their g[oo]d, though we are most glad of honest mens companie ; and loath to part from the same.

Thus againe giving you hartie thanks for your loveing affections and large hands extended unto us, we rest your loving freinds to use,

WILLIAM BRADFORD, Governor

ISAAC ALLERTON, Assistant

PLIMOTH

September 8

1623

2. *Letters of Samuel Cooper to Thomas Pownall, 1769-1777.*¹

The following letters of the Reverend Samuel Cooper relate to public affairs in the American colonies before the outbreak of the Revolution and during the war. As far as the present writer is aware they are now for the first time printed.

In the library of George III., presented to the nation by George IV., is a manuscript volume (British Museum, King's MSS. 201) comprising "Original Letters, from Dr. Franklin to the Reverend Doctor Cooper, Minister of the Gospel in the Town of Boston in New England, in the years 1769, 1770, 1771, 1772, 1773, and 1774, upon the subject of American Politics." With this volume are two others, bound and lettered in the same style, the one containing original letters from Governor Pownall to Dr. Cooper (*ibid.*, 202), and the other, drafts and copies, in his own handwriting, of letters from Dr. Cooper to Dr. Franklin and Governor Pownall (*ibid.*, 203). A fourth volume (*ibid.*, 204) contains copies of Cooper's letters to Franklin, Franklin's letters to Cooper (except that of December 30, 1770), and all but two of Pownall's to Cooper, the letters of Cooper to Pownall being omitted.²

¹ A brief notice of Samuel Cooper may be found in Vol. VI., p. 301, of the REVIEW.

² Preceding the transcripts in the last-mentioned volume is a short history of these letters, which runs as follows :

"Account of the manner in which the following Letters came into the hands of the Person who now possesses them.

"Immediately after the Affair of Lexington, which happened upon the 19th of
AM. HIST. REV., VOL. VIII.—20.

formation you have given me of Affairs relating to America, and this Province in particular. As I am fully persuaded both of your Ability and Inclination to serve us, and have heard with much Pleasure of your friendly Exertions on our Behalf, I shall omit no¹ Endeavors of my own, as far as they will go to enlarge your Opportunities of shewing your Kind Regard to us. I have made, and shall continue to make the best Use of your Letters to this End, and at the same Time in so cautious a manner as to avoid ev'ry Inconvenience to you. — The Agents for America, I am afraid have not thoroly done their Duty to their Constituents. De Berdt² has grossly fail'd respecting the Petitions committed to his Care — I am told it was asserted in Parliament, in Favor of the Secretary of State, that the Petition of y³ House was never given to him ; nor can I learn that this was contradicted, tho the Agent wrote the Speaker that He had offered it to H's Lordship. — The Province is certainly much oblig'd to you for the sound Advice you gave him respecting the Petition of the Convention,⁴ and his not acting according to it, at such a Crisis appears to me unpardonable, and has lost him much Confidence here. I was surprised to see the Complexion of the Thing such after the Petition had got home, and the good Conduct and Effect of the Convention were known, as also the Testimony of the Council to the good Order of the Town ; and am afraid this was owing to uncandid and exaggerated Accounts transmitted from hence, and too easily credited by Administration. The People of this Town and Province, are under this great Disadvantage, that living so distant from the great Fountain of Government, they Know not what has been alledg'd against them, nor in what Light their Conduct has been plac'd, and consequently it is out of their Pow'r to vindicate themselves till the Misrepresentation has had its Effect. — In political Contests, of so important a nature as the present, between Britain and the Colonies, is it just that Government should act upon Accounts stated ex parte ; for such we may suppose many of the Accounts receiv'd at the great offices from the immediate Servts of the Crown, and industriously conceal'd

born at Lincoln about 1722, and graduated at Cambridge in 1743. Ten years later he came to America as private secretary to Sir Danvers Osborn, Bart., royal governor of New York. In 1755 he was appointed commissioner for Massachusetts ; and in 1757 succeeded General Shirley as governor of that province. In 1759 he was appointed governor of South Carolina, but he never assumed the government of that colony. In 1760 he returned to England, and sat in Parliament first for the Cornish borough of Tregony, and subsequently for Minehead, Somerset. He died at Bath, February 25, 1805. Pownall was a staunch friend to the American colonies, and as a member of Parliament strenuously opposed the ministerial measures against them. He protested against the war with America, predicting the consequences which followed. For some further account of him see *Dict. Nat. Biog.*, XLVI, pp. 264–268. A list of his writings may be found in the appendix to *Junius Discovered*, by Griffin.

¹ After this the word "opportunity" is written and stricken out. Other erasures of this kind have been made, but have not been transferred in publication.

² Dennis De Berdt, colonial agent in England for the Massachusetts assembly.

³ This word may be "ye," *i. e.*, "the" and perhaps it should be printed "the" here.

⁴ The convention of September 22, 1768. See Frothingham, *Life of Warren*, 86–96.

establish'd Manufactures — that the [*illegible*] of Woollen Manufactures, should be held out as a Douceur to the last, and nothing but a severely restricted Trade to poor America. — A larger Quantity of British Goods were imported into America, the Year of the Stamp Act than in the succeeding ones, because the Merchants here gave Orders to their Correspondents, in Case they apprehended the Repeal would take Place, to ship a more than common Quantity of Goods; because the Act had given a start to American Manufactures wch was perceptible the next year and still further promoted by subsequent Acts of the same Spirit: so that Facts truly stated are directly repugnant to the Author's Argument. Manufactures daily advance among us: Hundreds of the Troops station'd here have already deserted, delighted with the Country, and mixing with its Inhabitants, carrying useful Arts and Trades as well as military Skill, wherever they go — In short, ev'ry hard Measure from Britain, reacts upon itself; and true Policy respecting America seems to have forsaken your Councils.

I have heard that when the Secretary of State was pres't in Parliament, upon American Measures, it was said in his Vindication, that the Order to dissolve the Assembly in Case of Non rescinding, was never design'd as a Threat to a Corporation; that being address'd to the Governor, as a Direction to his Conduct alone, it could by no Means be consider'd in that light; and that another Assembly must of Course meet in May — But the Governor laid this Order before the Assembly, declaring himself indispensably oblig'd to obey it — It had therefore as much Effect upon their Deliberations as if it had been addres't immediately to them. The House desiring a short Recess, to consult their Constituent upon so important a Point, were refus'd — Nay when they only took a few days to deliberate upon it, the Governor grew impatient, and told them in a Message, that He expected an immediate Decision, and should regard a longer Hesitation as an absolute Denial, and proceed accordingly — Was all this no Threat to a Corporation — ¹

II. SAMUEL COOPER TO THOMAS POWNALL.

May 11th 1769

My Dear Sir.

I am extremely obliged to you for the trouble you have given yourself, so particularly to inform me of Affairs in which America is interested. I have receiv'd your Letters of 30 Jan^y [and] 13 Feb^y [and those of] 19, 21, 22 March² have been deliver'd to me. I wrote you by Capt. Hall, and Scot, who both promised me very particularly to deliver my Letters into your own Hand. Tho I suppose by your Letters, that some have not fulfill'd their engagements to me upon this Head. I shall however take the best care I am able in this Point for the Time to come. Ev'ry

¹ The remainder of this letter is missing. With a few exceptions Dr. Cooper's drafts or copies are signed by him, either in full or with his initials.

² All of the letters here mentioned, except that of March 21, are printed by Griffin in *Junius Discovered*.

Liberties of the Subject do thus extend an unbounded Pow'r, can do anything with us. It can create and annihilate us as often as it Pleases, whom we are to obey, it can make us absolutely and completely British Subjects: when we claim a Privelege it can as easily unmake us. How dreadfully precarious is such a condition, and can any Man imagine, that so great a Part of the Nation, as now inhabits America, and that is rapidly growing, to an equality in Numbers with those within the Realm, can be contented with such a Situation, while they have as thoro an understanding as high a value for the Rights of the British Constitution as any who enjoy them: We must be plac'd upon a broader and firmer Bottom than we stand at present or Things will inevitably tumble into confusion — I am oblig'd to you for the copy Inclos'd of the Mutiny Bill, it being the only one in the Place. — I read it to General Mackay,¹ who arrived about a Fortnight ago. — The alterations which you originated have greatly amended the act — But the passing a Law here for the Purpose Mention'd, is like to meet with opposition upon two accounts; because we have never made an act the operations of which is to be *Suspended* till it be confirm'd by the King; and because People will be extremely jealous of anything that shall look like a conceding to the establishment of an Army among us in Time of Peace. — For the same Reasons as because the Troops were quarter'd in this Town in direct opposition to act of Parliament, our assembly will thoroly deliberate I imagine before they give any Money towards the Support of these Troops in their present Situation. Many I am persuaded w'd chose to have their Money taken from them by Force, rather than give the Sanction of their own consent, to the Maintenance of an Army sent among us under Pretence of aiding the civil Magistrates, while they protested ag'st it, and which threatens to overthrow the constitution.

I enclose you the Instruction of the Town of Boston, from which you may judg of the general Disposition of the whole Province: and how far the late measures are likely to soften us to any concession — Our Merchs stand firm to their agreement respecting Non Importation of Goods.² Some who had goods sent contrary to expectation, have readily resign'd them to a committee of the Body. — a few who never enter'd into the agreement and have imported a small Quantity, have their Names publish'd in Hand Billits, to their great vexation, because they know it is the Spirit of the People in the country as well as Town not to purchase of them. For which Purpose Engagements will be form'd among the Purchasers of Connecticut and N. Hampshire as well as this Province. Ill Humers if violently repell'd at one avenue do naturally break out at

¹ Colonel (afterwards Major-General) Alexander Mackay arrived in Boston with the troops from Ireland in November, 1768, being at that time in command of the 65th Regiment. He returned to England the following August. See *Mass. Hist. Coll.*, 6th Series, 1X. 170, note.

² The merchants and traders of Boston had entered into an agreement not to import goods from Great Britain, and further agreed that no goods should be sent from Boston until the revenue acts had been repealed, and so notified De Berdt, the agent of the colony in England. See *Mem. Hist. Boston*, III. 29, note.

III. SAMUEL COOPER TO THOMAS POWNALL

July 12. 1769

Sir

I wrote you the 11th May acknowledging the receipt of several Letters from you ; and again about the middle of June, which I hope you have receiv'd—D^r [Franklin] favor'd me with Notes of what you deliver'd in Parliament, in favor of a Repeal of the Revenue Act. Whatever might have been said in reply to this Speech I am persuaded it was never Answer'd ; The Force of your Arguments appears to me irresistible ; and they who were for delaying this just and wise measure to a more *convenient* Season, will never I believe find [*sic*] such an one. I have made the best and most prudent use of these Notes, allowing some Friends, and the Speaker¹ of the House among others, to communicate them as they tho't might be of advantage, but have suffer'd no Part to be copied, or appear in Print, less thro the Baseness of the Times it might be improv'd to your Disadvantage — I gave in my last an account of the Transactions of the Court at their first coming together ; you will see by the Replys not only of the lower House but of both Houses to the Governors Messages and by the Resolutions, the Temper that prevails it is as I told you it would be, more rais'd and fir'd, by ill Treatment.

The assembly have been greatly divided about the affair of an Agent

It has been generally tho't necessary that a Person should be sent from hence, in that character to be join'd by another on y^r side the Water, to guard ag'st any Misrepresentation of Facts by G. B.² But they have been far from agreeing who these Persons should be. Several leading men among us it is tho't, have secretly desir'd the Trust and have travers'd one another. The Council are zealous for M^r Bollan,³ with whose service particularly in procuring authentic copies of Bernards and Gage's Letters, they are extremely pleas'd — Finding they were not like to obtain his Election by your Ballot with the House they unanimously [chose] him as Agent for the Council. — The House have chosen none, and I am told are not like to agree upon any, so the Speaker is desir'd to send their Papers to whom He pleases, and as he is connected with Deberdt who has still a considerable Interest, He it is probable will be the Person. Thus the Matter stands at present. — How long it will remain so I pretend not to say. But however divided they are in this Point, they were never so much united in the great American Cause, and in the Resolutions they were unanimous. If any of them appears harsh, you must impute it to the Severity with which we have been treated and the irritation produc'd, and continu'd by the ill conduct of some to whom the business of the Crown has been committed.

¹ Thomas Cushing was speaker of the Massachusetts assembly.

² Sir Francis Bernard, Bart., from 1760 to 1771 governor of the province of Massachusetts.

³ William Bollan, for some years agent in England for the province, and afterwards agent for the Council alone.

I believe, they thoroly counter work'd and disapointed each other: so that at the close of the session, they appear'd to care a little about the Matter: and spoke of an Agent as unnecessary, and the House left it with the Speaker to write to whom he pleas'd but soon after appointed De berdt for another year.

Many among us are of opinion that it would be best for the Colonies to have no Agent and concern ourselves no more about Remonstrances and Petitions, which have had hitherto so little effect, and to leave the Ministry to procure their own measures till they find themselves like Governor Bernard *at the end of their Tether*, to which if I mistake not they are by this Time very near if not quite arriv'd.— Our General Court was prorogu'd by S^r Francis, before he left us till January.¹ He is gone home with high expectations of improving the Proceeding of last sessions greatly to our Prejudice; and since his departure we have had copies of Letters of His and others from him and others w^{ch} discover as base and infamous a Design, to compass the ruin of the Province as perhaps any History can parrallel. M^r Hutchinson² when assuming the chair, made a soft complaisent speech to the Council and is prudent en'o not to have so many Councils as in the late administration upon trifling occasions, and beneath the Dignity of such a Body. He would be glad not to [be] tho't by the People to have been very closely connected with S^r Francis etc; but he will find it hard to effect this; and He had indeed not many warm Friends, who were not friendly to the other: so that without a change of Measures at home He will not be able to do much in Favor of Government or to negotiate such ground as you hint it has been led to expect.

Our Merchs. remain firm, you teach us to live more and more within ourselves. Your own Troubles I find increase ev'ry year bring you nearer to War; and almost ev'ry measure has given the enimies of the Nation an advantage a Rupture will at once shew the true state of Britain, and it will awake like Sampson shorn of his strength. But I check myself.

And am dear Sir

To Pownall

V. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON N. E. 1 Jan^r 1770

Dear Sir.

By your last Letters of Sept 25³ I have the Pleasure to find you were safe arriv'd from Ireland: I do not wonder that the Patriots of [that] Kingdom have a sympathy for America. Common Dangers and

¹ "When the Massachusetts Assembly, sitting at Cambridge, had refused to grant the supplies demanded by Bernard, that functionary prorogued it to the tenth of January. When that date arrived, Hutchinson, under arbitrary instructions from Hillsborough, prorogued it still further to the middle of March." *Mem. Hist. Boston*, III. 28.

² Thomas Hutchinson, the lieutenant-governor.

³ There are two letters from Governor Pownall of this date, both printed in Griffin, *I. c.*, 235 ff.

diately become independent. When indeed we wish nothing remov'd but innovations and innovations that experience has prov'd to be prejudicial to both countries ; and wish those securities to remain to the Nation, which our establishment, plann'd by some of the wisest men that ever adorn'd that Nation gives ; and which are really the firmest and best that can possibly be given. It is extremely dangerous to touch Foundations — and by resuming any Privilege granted to the People by original Charters, they may be led to infer that the Restriction on themselves provided for in the same Charters are also vacated.

I have endeavor'd to avail myself of your Letters for the Good of my Country — The Sentiments were so just and Striking that I could not forbear to publish a good Part of them, tho not in the form of an extract from a Letter ; and carefully concealing except from a trusty few, the Hand from whence they came. Not that there was anything thro the whole that would not do you honor, had you been known as the author, but in these Times, I chose to err respecting my Friends on the safe side.

I have wrote you fully upon the affairs of Agency for this Province — Tho I tho't the assembly would do Honor to themselves, and greatly promote the service of this Country by appointing one to this Trust, whose administrations had so happily united the Interest of the Crown and People, yet when I found the leading men among us look'd at it for themselves, I could not wish you to be dishonor'd by being canvas'd for Diberdt was nam'd at Last, and consider'd not as a negotiator, but meerly as a carrier, or Presenter of Letters etc. It is now I find, consider'd as dangerous, by some men of Influence to have any Provincial Agent at all with such Pow'r as formerly given — They say it is inconsistent to object against Representatives in Parliament, and yet put the Province, as it were, into the Pocket of one man, upon whom the Governor has a negative, that the Agent for N. York is appointed only by the Lower House, and that the want of Authority in such an appointment here, was first started by St Francis, and adopted by the Ministry only as a Protest. All this is objected to Bollan, who has prest strongly for more Pow'r, and notwithstanding some warm Friends in the Council will not be able I believe to carry this Point. In his Letter upon this Head, he has given a copy of his former Authorisation which is alarming great, and allow'd him to appear and *Act* for the Province, and in its Name, and in its Behalf, in all cases touching its Interests — The leading men in the House as far as I can discern are not for forming any dangerous alliances, nor throwing themselves into the arms of any Party on your side the Water : and some are ready to wish that we had not even the appearance of an Agent, nor the Form of any kind of negotiations, chosing rather to leave the American Cause to its own Weight.

Our Merchants continue their Resolution not to import, except two or three, whose Dealing are small, and who, perhaps, may soon be discourag'd. — Not long since they came into an agreement not to import till the Duties on Molasses, Sugar etc. as well as the other Revenue Acts should be repeal'd — But the Merchants at Philadelphia etc. not chosing

connected with Trade. This Meeting was large, and increas'd rather than diminish'd by adjournments. The Lieut. Governor soon call'd his council to oppose them: He propos'd a Proclamation to be issu'd ag'st them, as an illegal Assembly: and then that a Message to the same Purpose, s'd be sent them in the Name of the Governor and Council, neither of w'ch with all his address c'd be obtain'd by Him. The Meeting voted to proceed orderly and peaceably in a Body to the House of the Hutchinsons, and some others who had violated their own Voluntary engagements with the Trade: five of the Body were appointed to treat, the rest were to observe a profound silence, w'ch they did. When they came to the Lieut. Governor's House, none of them were allow'd to enter, but his Honor threw up the Window, and appear'd as the principal negotiator. His Honor seem'd willing to consider them as making a tumultuous and threatening application to him as Governor. The Gentlemen observ'd that they came there, not to treat with him, but as the Dwelling of his sons, and reminding him of their dishonorable Violation of their own contract, in w'ch their Honor was depended on. He observ'd, that a contract without a valuable consideration was not valid in Law. Upon the whole the sons refus'd to give any Satisfaction to the Merchs. The evening following His Honor was in great Perplexity, and early the next Morning He sent for M^r. Phillips the Moderator of the Meeting, and engag'd on the Part of his sons, that the Tea s'd be return'd and a sum of Money in the Room of what was sold. This was immediatly [*sic*] reported to the Meeting and accepted. Afterwards He was greatly embarras'd, sensible that He and his sons were consider'd as the chief Bulwark of those who wish'd to see the Merchants agreement annihilated. He was blam'd for appearing below His Dignity as a negotiator in this business, His sons were blam'd even by his own Friends for their inconsistent and Dishonorable conduct with the Merchs: The commissioners¹ were offended with what they call'd his weakness in this Instance, declaring that he had now given the reins of Government into the Hands of the People, and that he c'd never recover them: — His Unpopularity is increas'd by this Step, He being consider'd as the first Governor upon the continent who has publicly and Directly oppos'd Himself to the Meeting of the Merchs as illegal. He told M^r. Phillips He was ruin'd — The Point was however gain'd by the Merchs., and He could not go back. All that remain'd was to exert himself in council to obtain a Discountenancing such Meetings: and after having wrote to the Body, without the consent of the Council, by Dint of Importunity one Gentleman was gain'd over, and a majority was procur'd for a kind of adoption² of what He had written. The meeting went on Steadily with their Business, and then agreed peaceably to disperse. The last Day of their being together, His Honor summon'd a Number of Justices from the Country to attend him; but this step was attended with no advantage to him, on

¹ Commissioners of the customs in Boston. The board consisted of Charles Paxton, Henry Hulton, William Burch, John Robinson, and John Temple.

² Adaption?

when a Party of Soldiers with Capt. Preston at their head fir'd upon the Inhabitants in King Street without a civil Magistrate without the least Reason to justify so desperate a step and without any warning given to the People, who could have no apprehension of Danger. The circumstances that preceded, that accompanied, and follow'd this shocking and unexampled scene of Barbarity you will see in the public and authentic accounts w'ch this vessel hir'd by the Town on Purpose to carry.

The Day following, when the Town assembled, and the Governor met his council, with the principal Military Officers the Town prest for a total Removal of the Troops to the Castle, the council unanimously advis'd it, and Col. Dalrymple, the commanding Officer, Signified his readiness, and even appear'd to desire it; which shows his good Judgment in such a critical circumstance. But the L^d Governor alone was backward would have compounded for one Regiment, and kept the affair in suspence till near night, when he gave way with reluctance. He is by this Time sensible I believe that it is easier to advise and act the second Part in Government, than to stand forward and open in the first Department.

It was a great Favor of Heav'n that the soldiers proceeded no further: That the Inhabitants did not attempt to revenge themselves Instantly; That the Promise of Justice was immediately perform'd and the Party with the Captain deliver'd up to the civil Magistrates. Had more Blood been shed of which there was the most eminent Hazard in the first Heat and confusion our Brethren in the country, apprehending a general Massacre, being on Tip Toe to come to our Defence, no one can tell where it would have stopt, nor what consequences it would have drawn after it, not only in this but in other Colonies: But a Kind Providence interpos'd for us, and we are now happily deliver'd from that Army, which instead of preserving the Peace among us, has in numerous Instances most audaciously violated it, and instead of Aiding has overaw'd and sometimes even assaulted the civil Magistrates, and Demonstrated how impossible [it] is for Soldiers and Citizens at least in our Circumstances to live together. For these and other reasons we cannot suppose that Troops [will] ever again be quarter'd in the Body of the Town.— I could say much upon this Subject but chose to forbear.

The Commissioners have never held a Board since the late Tragical affair, they have adjourn'd themselves from Time to Time, without consulting M^r Temple;¹ and have left the Town ever since the Departure of the Soldiers, and tho not the least Injury or Insult has been offer'd either to their Persons or any thing belonging to them, it is tho't that they are now so sensible of the Public Odium, and so tir'd of their employment, as to wish for a Removal. The night after the Massacre, the State and apprehension of the Town absolutely requir'd a strong Military watch: This

¹ John Temple, one of the five commissioners of the board of customs for North America, and after the war consul-general of Great Britain to the United States. He married Elizabeth, only daughter of Governor Bowdoin, and in 1786 succeeded his kinsman, Sir Richard Temple, as eighth baronet of Stowe.

I am astonish'd to find upon Gardiner's arrival, by whom I have receiv'd yours of 11th of May¹ how basely the bloody affair of the 5th March has been Misrepresented in the London Papers. It shows the Malignity of some men against this Town and Province. Those who are capable of giving and supporting such false and cruel Representations are the chief source of the Troubles of both Countries, and considering the Disposition of these Persons the Arts they employ, the attention paid to them (Check'd only now and then by *Facts publish'd to all the O*) and the encouragement given them by *Secreting their Names*, I have small hopes of a speedy and cordial accommodation. If any Person here give true Information of what ought to be known by Governm't, it cannot be to their Dishonor. If otherwise, they ought to be expos'd, what chance have we, in our present critical situation, if men disaffected to the Country in general may accuse us, and give a Malevolent Turn to ev'ry Incident, while we can neither know the Authors, nor the Matter of the accusation. I expect from what has already happen'd, that before this reaches you, you will hear inflam'd accounts of the Treatment the Population have given to the Importers and to the Informers, and of Commissioner Hulton's windows being broke at Brookline. The Town at their Meeting yesterday chose a committee to state these Facts. But not knowing in what Light they will be held up, it is difficult to state circumstances so minutely, as to obviate any Misrepresentation. Thus had we been aware of the shockingly false Idea that would have been given of the Military Execution, The Captains [Captions?] tho sufficient as they now stand to disprove it might have been more clear and ample to this particular Purpose. You will see perhaps Proclamations from the L^d Governor and council upon some of these Disorders, Tho no Proclamation has appear'd at N. York upon Several Occasions at least as important, particularly when M^r Rogers was drove out of that City, as an Importer and oblig'd to fly in the night. I am an enemy to all Disorders, and wish they c'd be prevented. But circumstances are candidly to be consider'd.—and a country distinguish'd from a few obscure Persons in it. When Governm't would enforce Measures that People of all orders apprehend to be unconstitutional, there it will and there perhaps it ought to be weak. The commissioners you know having Tarried some Time in Town after Preston's affair, without the le[a]st affront, retir'd into the Country and held no Board since the Breaking of Hulton's Windows, which notwithstanding the reward offer'd, still remains a Mystery, they have gone to the Castle.—attended by Officers of the Revenue Importers etc. The Castle is no disagreeable situation in the Summer Season, and they expect great things Perhaps from the Retirement. But the Plot will not bear a second Acting. Notwithstanding the Infidelity of a few—the Non-Importation Agreement [?] still Continues. It is got in a great Measure under the controul of the Body of the People thro the Continent. The Importers here, wish'd to be restor'd to the Esteem of their country upon any Terms. M^r Rogers particularly have made the

¹ Printed in Griffin, *l. c.*, 269.

the Supreme Civil Command, wch I take to be yours has found its way here, been reprinted, and read with much attention and Pleasure. It will do g't service, as it points out very clearly in some important Instances, the Ground we ought to take: And I could wish with you that we were at all Times wise eno to distinguish *Things f'm Persons*, and to place ourselves on the broadest and most constitutional Bottom. It appears to me of no small Importance that we s'd commit our affairs on yr side the Water to the Conduct of some capable trusty Agents: But w't will be done on this Head is at present quite uncertain — M^r Bawdoin will never accept this Trust, M^r Bollan has the Interest of a great Part of the Council: The House on the other hand notwithstanding his exertions against S^r Fr. do not confide in him upon Acc't of his personal connections here, w'ch I need not particularly mention to you. Some of considerable Influence seem not Sollicitous for any Agent. They say it is alledg'd that one who can do effectual Service must be chosen by the whole Legislature, and this is giving the Governor great Influence in this important Matter, and for this very reason S^r Francis Bernard hinted to ministry an objection to the late Agent of the House, wch objection ought to have operated ag'st the Agent for N. York and others, had there been any Weight in it, and yt they who refuse the negociations of an Agent for the House only would do the same by one chosen by the whole Legislature w'n the nature of the Business was not agreable to you, and that such an Agent, with Pow'rs equal to w't were formerly given, might make such concessions on the Part of the Province at this Juncture that would be irritable: They say further, that Experience has shown in the present Disposition of Men the inutility of all remonstrances and negotiation. They therefore seem inclin'd to expect their fate with a Sullen Silence: and almost despairing of the Mildness, they w'd found some Hopes in the extremity of Measures. I think however that we ought to do ev'ry thing in our Pow'r to allay the Storm, and scatter the Cloud of Misrepresentation, f'm w'ch we are so severely Threatn'd, and accordingly I agree with M^r Bawdoin in wishing, that you and D^r Franklin might be joint agents, and if this c'd not be otherwise effected, that M^r Bollan might be added. I s'd be glad if it were in my pow'r to do more in this Matter than barely to express my wishes.

The House pinch'd by the expiration of some important Acts relative to Property, and by the apprehension of a heavy Tax falling upon the Constituents for the coming year, voted two days ago by a considerable Majority, to proceed to Business out of the Town of Boston, and at the same Time, chose a committee to frame some resolutions and as a Protest to save as far as may be, the Privilege for w'ch they have contested. I shall give you the earliest notice of these Proceedings.

The Defection of the Merchants in N. York f'm the non-Importation agreement has render'd it impracticable both here and at Philadelphia to maintaining any longer that agreem't. It stood long however considering how much it was oppos'd to private Interest and did not fall

Council's Agent. This is another infamous specimen of the means employ'd ag'tst this hated and much abus'd Country. L^d Dunmore¹ is arriv'd at N. York, and has 2000 £ sterl^g out of the American Revenue commencing nine Months ago, from the Date of his commission.

I am Sir with respect and Affection

Yours Obedt.

To Gov. Pownall

X. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON N. E. 2 Jan' 1771

Dear Sir

I wrote you in Octr and Novr of the state of our affairs here. We have a good cause, but I'm afraid it has not been conducted altogether to that advantage it might have been. I hope however a kind Providence will at length bring it to an happy Issue. Capt. Preston, and the Soldiers tried for the action of the 5th March, instead of meeting with an unfair or harsh Treatment, have had ev'ry advantage that c'd possibly be given them in a court of Justice. In the Dispositions of the Judges — the appointment of Jurors, — in the Zeal and ability of Lawyers,² — in the examination of Witnesses, and in the Length of the Trials unexampled I believe both in Britain and the Colonies in a Capital case, by w'ch the accused had the fairest opportunity several Days after the evidence for the Crown had been given in, to produce and arrange their own. These Trials must one w'd think wipe off the Imputation of our being so violent and Blood Thirsty a People as not to permit Law and Justice to take place on the side of unpopular Men, and I hope our Friends on your side the Water will make this kind improvem't of them — administration has a very favorable opportunity of adopting gentle Methods respecting the colonies.

The agreements of our Merchs are broken, and the grand objection of being threatned and drove ceases. The Hostile appearance in Europe may perhaps lead men of Influence to embrace such an opp^t and they may think it politic to sever the affections as well as the submission of the People here. — I forgot in my last Letter to Mention my Friend M^r Temple who is now in England and who I heard repeated speak of you with much Regard. He even appear'd to me to wish to do the King's Business in the most prudent and faithful Manner, and with the greatest ease and Satisfaction to the subject. I know He will highly value your Friendship. This will be deliver'd to you by the only son of our Friend M^r Baudoin³ a sensible modest young Gentleman, and of a sweet Disposition, who bids fair to support the Honor of his Family. He leaves

¹ John Murray, fourth Earl of Dunmore. In 1770 he was appointed governor of the colony of New York, to which was subsequently added that of Virginia.

² Captain Preston was defended by John Adams and Josiah Quincy, Jr., and was acquitted.

³ James Bowdoin, only son of Governor Bowdoin, was graduated at Harvard College in 1771. He was subsequently appointed by Thomas Jefferson United States minister to the court of Spain.

XII. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON N. E. 14th Novr. 71.

Dear Sir

After writing you several Times without hearing from you, or knowing that you receiv'd my Letters, I wrote again by Commodore Gambier: since which I receiv'd a Duplicate of yours a long Time after it was dated, which came to me by the Southern Post: and a few days ago another came to me thro the same channel of July 26th.¹ I know not by w't Fatality our Letters have thus miscarried or have been delay'd. Those however now Mentioned Made me happy in the assurance of a Friendship and Correspondence from w'ch I have receiv'd great Pleasure and advantage.

It is not true as you have been inform'd that the Spirit of the assembly and of the People is totally alter'd, and that they w'd now gladly receive as a Favor, and ask and hope upon that Tenure w't they before claim'd as a Right. Such Representations tend only to deceive, and mislead Governm't. The Tone of the House, on ev'ry Point of Privilege is as firm as ever: and tho an high Ferment cannot be expected to continue long among the People and the irritation into w'ch they were thrown has abated, yet their inward sentiments are not alter'd, but by far the greater Part have a settled Persuasion that we are in a state of oppression that our most important Privileges are violated, that our Parliam't here ought to come between the Sovereign and the American Subject, just in the same Manner that the British Parliament does with respect to the British Subject, and that whatever takes place contrary to this is (at home an Infringement upon the Prorogative of our Sovereign, who has a right to govern his Dominions here uncontroll'd and even uninfluenc'd by either House of Parliam't in Britain) and in America is the Meer effect of Pow'r and not the result of reason or [of] the Constitution. This is the Sentiment w'ch the late Disputes have at length produc'd, and w'ch by long attention to, and frequent Discussion of our Public Grievances does now generally prevail, there being few except those who are Influenc'd by Places and Pensions, and those who do not think at all, but what have adopted it. To convince you that I here give a true representation, and that the People, however tir'd they may seem of Complaining and Clamoring to no effect have yet at Bottom a sense of the Injuries their Rights have receiv'd, and are ready to express this sense as occasion may provoke them.

I will mention to you what has lately taken Place among us, w'ch tho it may seem small in itself, and of no great consequence, is sufficient to indicate the prevailing Temper. The Governor's Proclamation for an Annual Thanks^s. was to have been read in our churches last Sunday, in w'ch among other things, we are call'd upon to give thanks to Heav'n for the *Continuance of our Privileges*. This was deem'd by the People an open Insult upon them, and a prophane Mockery of Heav'n. The general cry was, we have lost our Most essential Rights, and shall be com-

¹ Printed in Griffin, *l. c.*, 290.

Whether the Governor will be thanked by administration for his Speech¹ at the opening of the last Session of the General Court you can best tell. It is certain he has gain'd nothing by it here. The Replies of both Houses are read with High Approbation in more Colonies than one; and the People are more confirm'd in their sentiments and encourag'd to maintain them. With all his connections and abilities He is not able to alter the sentiments of this People; and reconcile them to the Measures of Governm't; and the more openly and Strenuously He exerts himself, his Influence and ability to promote such a Purpose becomes the less. This is obvious from the Una[ni]mity of both Houses as well as the Towns. He was obliged, He publicly declares, by the Town of Boston to bring on such an open Discussion. But might he not have expres'd his Dislike of their Proceedings without putting both Houses to the Necessity of declaring as they have done, and giving up by their Silence upon such a Challenge, the cause of their country. It was precisely this situation that in a great measure led the council I imagine to go so far as they did, and bro't them to declare an agreement with the House in the main Principles.

The Governor having refus'd for some Time to pass the Grant for the Salary of the Judges for last year, tho't proper to sign it, upon which the House made another Grant for the year to come, which He did not allow; so that the Matter is not yet com[pleted?].

I have often recollected your predictions and Foresight in wishing and endeavoring for a settlement of these unhappy disputes several years ago. Time has verifi'd the Truth of what you then observed, that the longer this was delayed the more difficult it would become. Had a composition been early made, only by annihilating Inovations, and recuring to the old course, which Time and Practice had sanctified, a veneration for the Supreme Authority of Parliament would have been unavoidably left upon the minds of the People Sufficient to have Answer'd all the Purposes that a wise and moderate administration could desire, which the Influence of the Crown, from the great Pow'r reserved by Charter to its representatives would have secretly and gradually extended itself within this Province. But administration misled by artful and interested men here, negotiating for Salaries Perquisites and Pensions has kept up the Contention, and instead of diminishing has added to the Grievances complain'd of. By this Means, the Matter of Right, which if it had slept had been more safe, has been upon the anvill perpetually, both in private conversation and printed Discussion. The Subject has been attended to for a number of years by an inquisitive and sensible People; It has been turn'd round in ev'ry Circle and view'd on all sides. The Effect has been a thoro and almost universal Persuasion that for a People to pay Taxes and be govern'd by Law to w'ch they do not consent is

¹ "Upon the convening of the General Assembly, the governor opened it with a long speech in defence of the absolute supremacy of Parliament over the colonies, inviting both Houses to offer what they had to object against this principle." From the same letter, *l. c.*, 37.

hill: one at the castle, another lately arriv'd f'm N. Scotia is station'd at Salem. The People endure all with an astonishing Calmness and Resolution; neither dismay'd nor tumultuous; supported and encourag'd by the Sympathy and generous Presents from all Quarters of the Country and from our Sister Colonies. These Presents are distributed by a Committee for employing the poor as the reward of Labor. Our Streets are paving public Works in Projection, and ships to be built and sold as a circulating Stock. How long this scene will last, God only knows. Our cause is regarded as a common one by all the Colonies. The most distant, the Carolinas and Virginia seem the most ardent. Our Delegates with those of N. Hampshire sat out a few days ago for the Congress to be held at Philadelphia 1st Septr. All the Colonies f'm Carolina to N. Hampshire will be represented there. All eyes are turn'd towards that important Assembly; and its Decision will [come] with great Weight.

The long expected Bills for vacating the the¹ Charter etc. arriv'd about 10 days ago. I will make no reflections upon them. A number have refus'd to qualify as Councillors. Whether they will change their minds Time will discover. Among these are Capt Erving, Danforth, Russell, Noyes, Vassal, Green, and others. I can hear at present of not more than 12 that have taken the Oath. But a number live at a Distance, and have not yet had an opportunity of discovering their Inclination. Col. Hancock is dismissed f'm his Command of the Cadets upon w'ch the Company sent their Colors to the Governor and dissolv'd.

I make no Conjectures of Futurity. We are in a critical Situation and must wait the event. Perhaps America may yet be sav'd: Heaven grant it

I am etc. yours

S. COOPER.²

To Govr. Pownall

XV. SAMUEL COOPER TO THOMAS POWNALL.

BOSTON N. ENGLAND. 28. March 1777

Sir,

Believing it would not be disagreeable to you, to hear I am well, and have still a respectful and affectionate Remembrance of you, after a long Intermission of writing to England, I embrace this opportunity of sending you a Line, returning you my Thanks for your last Letter, and the Book that accompanied it, tho upon the Subject of both present circumstances will not allow me to say a Word.

If this short acknowledgment ever comes to you it will be delivered by Mr Hixon, a Native of Montserrat, and whose Estate lies in that Island — He was bound on a Plan of Business to London, by the way of

¹ *Sir*.

² A letter from Cooper to Pownall (King's MSS. 203), dated Boston, 9 September 1774, is here omitted, being a duplicate of one of the same date sent to Franklin, and printed in Sparks, *l. c.*, VIII. 132.

Cork, and taken by an American Vessel of War, and brought to this Port, where he has resided ever since last October: In the mean Time he has married my only Daughter and Child. I should not have consented to this Alliance had I not found good Reason to esteem him a Gentleman of Probity and Worth. Your advice, in any Circumstance in which he may need it will particularly oblige me: He can give you a general account of the present Situation of Affairs in America. It will give me great Pleasure to hear of your Welfare. May Heaven grant you all good Things!

I am Sir, with much Esteem,

Your obedient hum^l Servant

Governor Pownall.

S. C.

REVIEWS OF BOOKS

The Oldest Civilization of Greece. By H. R. HALL. (London : David Nutt ; Philadelphia : Lippincott. 1901. Pp. xxxv, 346.)

THIS is a series of "Studies of the Mycenæan Age," expanded from the notes of a scholar who as assistant in the British Museum has had exceptional control of the literature and monuments pertaining to the "Mycenæan Question." It is intended to be of use "both to the scientific archæological student and to the layman who interests himself in the most fascinating search which ever yet allured the seeker after forgotten history — the search for the origins of Greek civilization." It is not a comprehensive manual, but presupposes familiarity with Perrot and Chipiez's *Histoire de l'Art*, Schuchhardt's *Schliemann's Excavations*, and Tsountas and Manatt's *Mycenæan Age*. It has seventy-five carefully selected and well-executed illustrations, some twenty of which are new.

The text forms an admirable guide, either for the tyro or the specialist somewhat bewildered by the mass of his evidences, through the mazes of this difficult subject. In the purely archæological parts of the book the author is fully alive to the uncertainty of much of the evidence adduced, and does not press conclusions beyond the tentative stage. In the vexed and vexing questions of ethnography he is fairly conservative, but without bigotry. There are "Aryans" still, but the Hellenes are not pure Aryans, any more than the Chaldæans were pure Semites. And the "Pelasgians" are neither the "be all and the end all" in Mycenæan origins, as Professor Ridgeway would have us think, nor the myth of Eduard Meyer.

Mr. Hall's general conclusions may perhaps be summed up very briefly as follows: Greek civilization was as far removed as possible from being *sui generis*, since the Ægean basin was the natural meeting place for Eastern and Western influences. But the "Mycenæan" civilization was Greek in origin and general character, in spite of strong Oriental influences. It was "chiefly identified" with the Achæan Hellenes, though there were "Mycenæan" peoples who were not Achæan, or even Greek. The beginnings of the "Mycenæan" culture were probably præ-Achæan, or "Pelasgic." But towards the end of the third millenium B. C., the various tribes of "Pelasgians" were slowly reduced to the position of a subject race by Hellenic tribes from the north. A mixed race resulted, and a remarkable increment in culture; whereas the later and similar incursion of Hellenes from the north which we call the "Dorian invasion" was followed by a sudden decline in culture.

Article 12 of Magna Charta, and that knights and burghers sat together in Parliament after 1265 (p. 369, note 3 and p. 371), and English feudalism is given its death-blow in the Wars of the Roses (p. 178, note 10).

The bibliographies at the ends of the chapters are for the most part excellently adapted to the purposes of the book, and the comment is enlightening and useful. A few of them are too long, however, some works being included, it would seem, rather on the general reputation of the authors than on the consideration of their usefulness in this particular place and to this class of readers, *e. g.*, Palgrave's *History of Normandy and England* (p. 201); and occasionally a little too much deference is paid to traditional standard authorities. It is remarkable that a book of such great value as Emerton's *Mediæval Europe* is mentioned but twice, and then with no special emphasis.

It is perhaps unnecessary to add what is so well known of the author, that his style is very clear and vigorous, or on the other hand that he is prone to give his young readers most of the old catchy stories and sayings that historical criticism has spared and even some few that it has not. His new chapter on the universities and the schoolmen is a valuable and attractive addition; there is some confusion, however, in his use of the term scholasticism; in one place it is regarded as a method and style of thinking that may appear at any time, in another it is applied to all intellectual activity of whatever sort during a certain period. The book as a whole is interesting and very usable, and while it lacks throughout thoroughly scholarly caution and precision of statement, the author has attained a strong grasp of the period in its broader aspects, and his work has some very substantial and individual merits.

A. B. WHITE.

Tribal Custom in Anglo-Saxon Law. By FREDERICK SEEBOHM, LL.D., F.S.A. (London and New York: Longmans, Green and Co. 1902. Pp. xvi, 538.)

THE question of the structure of Anglo-Saxon society, which he long ago approached from the point of view of the manorial system, Mr. Seebohm in this volume approaches from the point of view of tribal custom. Believing that heretofore Anglo-Saxon institutions have been studied in too great isolation, he devotes more than half his work to a brief restatement of the conclusions reached in his *Tribal System in Wales*, and to a more detailed examination, in the light of the Cymric evidence, of the laws of the Irish, of the Burgundians and Visigoths, of the Franks, of the tribes conquered by the Merovingians and by Charlemagne, and of the Norse. When among all these tribes, except those upon whom Roman influences have been especially strong, he finds certain customs existing, he believes that it is not unreasonable to look for traces of these same customs in the laws of the Anglo-Saxons.

The study of tribal custom becomes in large part the study of the wergeld because the payment of the wergeld involved the principle of the solidarity of the kindred, "the strongest instinct which every-

impatient to reach the later chapters of the work. Proceeding by his usual method, from the known to the unknown, Mr. Seebohm discusses the Anglo-Saxon laws from the Norman point of view, as seen in the so-called Laws of Henry I.; from the Danish point of view, as seen in the Institutes of London—of Cnut's reign, Mr. Seebohm thinks—, the fragment regarding grith and mund, and the Frith of 993; from the Northmen's point of view, as seen especially in Alfred and Guthrum's peace; from the Anglo-Saxon point of view, as seen in King Alfred's and King Ine's laws and the more Romanized laws of the Kentish kings. This method enables him easily to study Anglo-Saxon conditions in the light of continental evidence. From the prominence of wergeld in the Anglo-Saxon laws and the occurrence of "hints" as to other tribal customs not unlike the continental he argues that even down to the time of the Norman Conquest there was a strong tribal element in Anglo-Saxon life. It is impossible here to do more than state briefly some of his chief conclusions.

By a study of the procedure in the payment of the wergeld; by the definition of "manbot" as the payment to the lord of the man slain, and of "fightwite" as the payment to the lord on whose land the slaying takes place; and by a comparison of the evidence regarding grith and mund with the statements in the laws of other tribes with regard to the sanctity of the precinct, he seeks to show that the principle underlying sac and soc—terms coming in with the Danes, he thinks,—goes far back of Cnut's writ to the earliest tribal custom. In line with this statement are his conclusions regarding the division of classes among the Anglo-Saxons. Back from the so-called Laws of Henry I. to the laws of Alfred, with a single recognition of it in the laws of Ine, Mr. Seebohm finds a division of society into twelve-hyndemen and twy-hyndemen. The twelve-hyndeman is defined as the man with a full kindred of twelve hyndens of oath helpers, whose joint oath is valued at 120 hides; the twy-hyndeman is the man with only two hyndens of oath helpers, whose kindred, that is to say, is incomplete. By identifying the wergeld of the twelve-hyndeman with the ancient Wessex wergeld of the ordinary freeman and by showing that this is the wergeld of the Englishman who is put on an equality with the Norse freeman in Alfred and Guthrum's peace, and may be related directly with the typical wergeld of a "hundred head of cattle," Mr. Seebohm endeavors to show that the twelve-hyndeman, or thane, is the typical Anglo-Saxon freeman; and that the twy-hyndeman, whose wergeld is one-sixth of the twelve-hyndeman's, is the "ceorl who sits on gafol land," put on an equality for the wergeld in Alfred and Guthrum's peace with the Danish "leysing," or freedman. That all ceorls are ceorls sitting on gafol-land Mr. Seebohm finds nothing in Alfred's laws to disprove; more than this, by an argument which does not seem to be conclusive, based in part on passages in which the fine for breaking the ceorl's precinct is stated to be one-sixth that for breaking the twelve-hyndeman's, he decides not only that the ceorlisc and twy-hynde classes are for general purposes "convertible terms," but

goes to the making of a French thesis and how many of the maturest products of French scholarship have thus seen the light. Dr. Kleinclausz, for some years a *Chargé de Cours* at the University of Dijon, is even on this side of the Atlantic already known by name as the scholar to whom, with Professor Bayet, has been assigned the Meroving-Caroling portion of the magistral co-operative history of France now appearing under the editorship of Lavissee.

That even a French *doctorandus*, however, should in this day of specialization attack such a theme as the Carolingian Empire is a notable thing. True, Mr. Bryce's *Holy Roman Empire* was originally but an Oxford prize essay; but there have not been wanting those who have cited precisely this classic of Mr. Bryce as the sort of thing we might never hope for again from the universities. M. Kleinclausz has undertaken — he has even borrowed Mr. Bryce's words to state his purpose — to do for the Carolingian Empire what Mr. Bryce has done for the Empire as a whole. If his task is narrower, it is yet vast; and to a much larger degree it rests on first-hand research; for the Carolingian Empire, as such, has thus far lacked a monograph. Even the noble study of Döllinger, to which all later scholars (and not least M. Kleinclausz) owe so much, breaks off its narrative with the crowning of Charles the Great; what further interests it is only the survival of that event in the tradition of the Germanic Empire.

To the origins of the medieval Empire, from the fall of Rome to the coronation of Charles, M. Kleinclausz, too, gives much space — a third of his book; and if in this much-worked field he has given us nothing new, he has shown everywhere a sane and independent judgment. Even those of us who are still fain, with Döllinger, to attribute the Donation of Constantine to an earlier day than Pope Hadrian's, or who are ready, with Einhard and with Hauck, to believe the great Frank an unwilling emperor, must admit the fairness with which his lucid narrative, while accepting views now more current, leaves room for free interpretation. He maintains, indeed, that the Carolingian Empire was the creation less of men than of circumstances; and not Hauck himself has so clearly shown how slow was Charles to take up the new function, or how essentially ecclesiastical he counted it.

But to M. Kleinclausz all this is introduction. The heart of his book is the story of that neglected century following the death of Charles, to which Mr. Bryce, even in his latest edition, gives less than three pages. To show that throughout this period the idea of the empire remained potent, — that the struggle of great statesmen to realize and maintain it explains the tangled politics of the reign of Louis the Pious, — that even after the partition of Verdun had dealt it a death-blow the "*régime de la concorde*" inherited the moral ideals of the older "*système de l'unité*," — that the princes who still grasped at the imperial title — a Louis II., a Charles the Bald, a Charles the Fat — were men of sounder abilities and loftier aims than is commonly supposed, — that even when its effective territory had shrunk to the mere realm of Italy and less the

be laid on others than the English King; (p. 116) the assembly which Louis XII. consulted concerning the marriage of his daughter was not a "States-General" in the strict meaning of that term; (p. 652) the "complimentary, nay, even affectionate epistles" from Maria Theresa to Madame de Pompadour have been discredited.

In the second place Dr. Mackinnon is unfortunate in his point of view. He interprets everything too much from the vantage-ground of achieved fact, and hears in almost every disturbance in French history the early rumblings of the Revolution. He is, moreover, too intensely modern (p. 347) to enter sympathetically into the spirit of the times he is attempting to portray: *e. g.*, (p. 58) he cannot conceal his disgust at the "mad fourteenth century," that age of the "fighting maniac"; and (p. 111) he is far less just than Adams in his comments on Charles VIII. and his Italian venture. His "grand test of the value of any government is contained in the question, What did it do for the people?" As a modern standard this will do, but to push it back into the period when monarchy was fighting for its life against feudalism, or to make it the only standard before France attained to some small sense of nationality must necessarily result in perversion of judgment and undue harshness in estimating men and events.

To insist too strenuously that the structure of government is of minor importance "compared with the question whether its acts affected France, for the time being, for good or evil," is to run the danger of losing the idea of "evolution" for that of mere chronicle. This is apparent, for example, in the chapter on the Capetians, which one could read and not easily discover what has been called the "debt of gratitude" which France owes to this line of kings, or see, as Funck-Brentano points out, that this dynasty was not so much a self-creation as the product of the conditions which then prevailed.

In striving to maintain the "dramatic" style of his *Edward III.*, Dr. Mackinnon often falls into exaggeration and overstatement; but this is more easily condoned than the vulgarity which too frequently appears: *e. g.*, (p. 77) "the priest gets drunk . . . abducts by night some hussy of a nun to his presbytery"; (p. 204) Catherine de Medici is described as "the worthy dam of such a brood as Charles IX. and Henry III."; (p. 594 ff.) the chapter on Louis XV. and his mistresses could undergo a thorough expurgation and yet convey an adequate idea of the influence of the King's secret sins and public debaucheries on the undoing of the monarchy.

The book as a whole is of the nature of a philippic against absolute monarchy, that "colossal system of usurpation and egotism" (p. 108) whose chief advocate, in setting forth his claims (p. 347), is guilty of the most "arrogant nonsense." But in view of all that has been written on French history it seems hardly necessary to compile eight hundred and fifteen pages before daring to "hazard a definition" of the Revolution as "a reaction against misgovernment, the misgovernment of a long series of absolute kings."

WALTER IRENAEUS LOWE.

availed himself of the work of other authors, such as the delightful *Le Siècle des Artevelde* of Vanderkindere and the *Essai sur le Rôle Politique et Social des Ducs de Bourgogne dans les Pays-Bas* of Paul Frederique, while he touches but lightly on the story of the northern provinces of the Netherlands, leaving that to his Holland colleague, Professor Blok. It is, however, just this political story, necessarily a condensed narrative, that makes this volume less individual in its effect than its predecessor. Condensed history is always hard reading, and it would be easier to take each section in an elaborated form as indicated by the references.

But in a chapter like that on the city in the fourteenth century Pirenne is at his best. In her municipal evolution, as in other processes of development, he regards Belgium as the experiment field for Europe, and his interest is therefore apart from local considerations. His own studies on various phases of this subject have been detailed, as can be seen in such articles of his as "L'Origine des Constitutions Urbaines, au Moyen Âge," "La Hanse Flamande de Londres," and others, and he must command a hearing even if all his conclusions be not accepted, as for instance, the municipal origin in the merchant community.

The exclusion of all details of purely local importance gives direct force to the argument, but also paints the text with a somber tint. In sum, it may be said that the best gift offered by the Ghent professor is bibliographical. This volume has a peculiar value as a splendid pathfinder to various phases of the fourteenth and fifteenth centuries as they can be seen in the Netherlands. With this and his new edition of the *Bibliographie de l'Histoire de Belgique* Pirenne has rendered great service to students.

RUTH PUTNAM.

La Lettre et La Carte de Toscanelli sur la Route des Indes par l'Ouest. Addressées en 1474 au Portugais Fernam Martins et Transmise plus tard à Christophe Colomb. Étude Critique sur l'Authenticité et la Valeur de ces Documents et sur les Sources des Idées Cosmographiques de Colomb suivie des Divers Textes de la Lettre de 1474 avec Traductions, Annotations et Fac-similé. Par HENRY VIGNAUD, Premier Secrétaire de l'Ambassade des Etats-Unis, Vice-Président de la Société des Americanistes de Paris, etc. (Paris: Ernest Leroux, Editeur. 1901. Pp. xxvi, 319.)

Toscanelli and Columbus: (Then follows as sub-title a translation of the above). (New York: E. P. Dutton and Co.; London: Sands and Co. 1902. Pp. xix, 365.)

La Solution de Tous Les Problèmes Relatifs à Christophe Colomb et, en Particulier, de celui des Origines ou des Prétendus Inspérateurs de la Découverte du Nouveau Monde. Par M. GONZALEZ DE LA ROSA, Membre de la Société des Americanistes de

interpreted, and, finally, to give some general impression of the present status of the controversy.

The negative evidence as summarized by Mr. Vignaud consists of the following points: (a) The originals of these documents no longer exist and no one is on record as ever having seen them. (b) Of Fernam Martins, Canon of Lisbon and adviser of Alfonso V., to whom the first Toscanelli letter was addressed, no trace can be found in the Portuguese chronicles or archives. (c) No mention of or reference to Toscanelli has been found in these chronicles and archives. (d) There is no trace outside these documents in question that as early as 1474 the project of crossing the Atlantic had been thought of in Portugal. (e) The contemporary Italian authors who mention Toscanelli and describe his literary activities knew nothing of any such correspondence or that he ever took any interest in an ocean route to the Indies. (f) No reference to this subject has ever been found in Toscanelli's papers. (g) Columbus in all the years he was trying to get a hearing never referred to Toscanelli's authority in support of his project, nor later in his journal, letters, or marginal notes where he refers to many authorities, is there any reference to Toscanelli. (h) The Latin text of the letter to Martins is too ill-written to have come from a Florentine scholar of the Renaissance. (i) Las Casas had not seen the original text of this letter and gives us no satisfactory account of how he got hold of the correspondence except that it was in the Columbus materials that he got from the family. (j) The author of the *Historie* does not tell where he got them. (k) In 1474 the question of a route to the East Indies and of participating in the spice-trade had not arisen in Portugal. (l) King Alfonso was not giving any attention in 1474 to new explorations. If he had been, his own sailors would have been his best authorities, and not a Florentine scholar. (m) The letter to Martins is based on the cosmographical system of Marinus of Tyre, which is known to us only through Ptolemy, which was not printed in 1474. (n) Toscanelli might have known this system from a manuscript of Ptolemy, but as Ptolemy explicitly confutes the deductions of Marinus from the facts known to him, a scientific man like Toscanelli would not have adopted Marinus's views. (o) The geographical and political nomenclature of the letter follows Marco Polo. In fact, it had been obsolete for a century and a half in China, yet in the letter there is an account of an interview which Toscanelli had with an ambassador from China (of whose presence in Italy there is elsewhere no record) yet without learning that the Polo nomenclature was no longer in use. (p) The cosmographical ideas in the letter are identical with those of Columbus; these ideas he expressly and explicitly attributes to the *Imago Mundi*, Marco Polo, Mandeville and Ptolemy, and he never mentions Toscanelli. (q) The second Toscanelli letter, written to Columbus, is practically identical with the Martins letter and is apparently the first draft of it. (r) The map which Columbus had on his voyage indicated certain islands in the mid Atlantic; these indications he relied upon confidently; of the existence of such islands Toscanelli could not have known nor

reliance, is that in 1474 the Portuguese had no thought of participating in the spice-trade or of circumnavigating Africa, and of thus reaching the Indies, and that consequently they could have no interest in a westward route to the Indies at that date. To prove that Prince Henry had no thought of getting around the southern end of Africa Mr. Vignaud gives a forced and, I believe, an indefensible interpretation to the words "Oceanum mare versus meridionales et orientales plagas" in the Bull of Nicholas V., 1454. These words he explains as shores of Africa trending south and east instead of southern and eastern shores. He advances no proof that the words *orientalis plaga* do not mean exactly what the English words "eastern shore" mean, *i. e.*, a shore facing east and trending north and south. He also ignores the grant of Calixtus III., 1456, of spiritual jurisdiction in Africa "a capitibus de Bojador et de Nam usque per totam Guineam, et ultra illam meridionalem plagam usque ad Indos." Now while the phrase which is used in the Bull of 1454 descriptive of Prince Henry's design to open to navigation "mare ipsum usque ad Indos qui Christi nomen colere dicuntur" no doubt refers to the subjects of Prester John, whose realm was generally located in Abyssinia in the early fifteenth century, the unqualified phrase "ad Indos" cannot be rigorously limited to Lesser India or Abyssinia. A glance at the map of Fra Mauro of 1459, which records the results of Prince Henry's explorations shows clearly enough in its practical elimination of the Indian Ocean that any plan of exploration which aimed at reaching the realm of Prester John, by water involved circumnavigating Africa and approaching as near Calicut as the distance from Portugal to Greece.

To test the assertion that the Latin letter is too ill-written to have come from a real scholar in Florence during the Renaissance Professor Wagner of Göttingen submitted it to Professor Wilhelm Meyer, who reported that so far as the language is concerned the letter contained nothing inconsistent with the supposition that it was written by a humanist. There is one linguistic test, however, that ought to be applied and that is to determine whether the writer really thought in Spanish or in Italian. If the letter was forged in Spain by some one of the Columbus family the Latin ought to reflect in places the Spanish idiom. If it clearly reflects the Italian idiom that would militate against its having been written by a man who has been speaking Spanish for years and in favor of its authenticity.

The assertion lettered (1) is too positive. In that very year 1474 King Alfonso granted to Farnão Telles any islands he might discover in the ocean sea except in the region of Guinea (Algun's *Documentos da Torre do Tombo*, 38). For a discussion of other points in Mr. Vignaud's argument which it has not been possible to take up here, the reader may be referred to the very thorough criticisms by Sophus Ruge in the *Zeitsch. der Gesellschaft für Erdkunde zu Berlin*, No. 6, 1902, and by Professor Hermann Wagner in the *Göttingische gelehrte Anzeigen* for Feb., 1902. In the view of both these critics Mr. Vignaud has not made out his case. Professor Ruge in particular seems unshaken in his conviction of the authenticity of the letters.

alist, or religious sort, whose effusions the serious historian can forgive and forget. But until now no one had written of the long diplomatic negotiations which were necessary to reconcile the conflicting selfish interests of the South European states before a league could be formed and the united fleet be collected with which Don Juan should win his dramatic victory. This is what Mr. Herre has done, and done well. He begins with a suggestive summary of crosscutting lines of cleavage which divided all Europe at the close of the Reformation and which rendered especially difficult the formation of any league which should include several states. A second chapter gives a good account of the encroachments of Selim II. upon Venetian territory in the east and his final ultimatum for the cession of Cyprus, the refusal of which, in March, 1570, led to a state of war between the republic and the Porte. But Venice, even with her great fleet, could not hope to be victorious and save Cyprus, unless aided by the rest of Christendom; hence the necessity for a league, the negotiations for which Mr. Herre follows step by step in the different countries of western Europe. Pope Pius V., enthusiastic and optimistic, grasped eagerly the idea of a Holy League and at once became its most ardent champion. Rome was immediately the center of diplomatic negotiations, and Spain the country of greatest importance to win to the cause.

To students of Spanish history the account of the negotiations between the papal nuncio and Philip II. will prove the most interesting part of Herre's book; it fills half his pages and shows up in no favorable light the too complicated aims of Spanish policy, its extremely aggravating *Langsamkeit*, and worse still, its guileful trickeries. It gives an impression decidedly different from the commonly received one of Prescott and Hume that Philip II. "willingly listened to the Pope's proposal" and "furnished immediate succors to Venice."

The insuperable obstacles which thwarted the Pope's attempt to induce the other states—Portugal, France, Germany, Poland, and Russia,—to join the league are briefly dealt with in the last two chapters. This first part closes with the meeting together in Rome in July, 1570, of representatives of Venice and Spain, empowered to conclude with the Pope the final league. In a second part Herre promises to carry these negotiations through to their successful issue, and then give a history of the Cyprus War and of the league up to its dissolution in March, 1573, when the victory of Lepanto and the signature of peace between Venice and the Porte relieved that pressure of a common Turkish danger which alone had led Spain and Venice to sink temporarily their mutual jealousy and unite against Selim II.'s threatening power.

Mr. Herre, though suggesting sometimes the German seminar in his punctiliousness of detail and lack of generalization, is always accurate and usually interesting. His preface contains an excellent short bibliography, and his foot-notes, scattered profusely through his pages in half a dozen languages, are rich in quotations from Venetian, Vatican, and Simancas manuscripts, as well as from the printed sources.

SIDNEY B. FAY.

has had little interest in the facts on which Beazley bases the interesting opinion that "the lay power in the state—this, and not reformed doctrine, or liberty of conscience, or Catholic antiquity—was the ultimate social principle of the struggle" (Traill's *Social England*, III. 51). Some of the evidences of a social problem are passed over with a sneer at pecuniary interests. Wolsey's plans for reforms are not mentioned, and Cromwell figures as the mere tool of a capricious king. Gairdner minimizes also the influence of that group of reformatory spirits with whose ideals we are made acquainted by Seebohm's *Oxford Reformers*. It is true that this group had no plan of legislative change, but it is short-sighted not to recognize that the royal policy had a basis in such a new spirit in the church. The royal policy did not adopt all their ideals, but one cannot fail to recognize in them a current of thought preparing the nation for a Christianity conceived by means of Scripture rather than by means of scholastic system, and relieved of those superstitions which were maintained by the monastic orders. In the first place, if we wish to estimate the Lutheran influence on the English people in Henry's time we shall have to forsake Gairdner and consult Froude or the Benedictine Gasquet. Gairdner treats the Lutheran influence disdainfully as something peculiar to the lower classes. Of these humble radicals he thinks as a cultivated pagan in the early centuries thought of the Christians. While he scoffs at the "pious pretexts" of state papers due to the hateful king, he is severe on Foxe for scorning the episcopal charges of gross impiety against heretics. "This is surely," says Gairdner, "a most extraordinary way of dealing with historical evidence." Would Gairdner accept accusations of witchcraft as historical evidence?

Insistence on the royal initiative blurs some of the facts. Gairdner obscures the difference between the articles of 1536 and 1539 by representing that the earlier articles taught transubstantiation. That is certainly not the case. The wording was closely modeled on that of the Augsburg Confession, and it seems clear that this temporary accommodation to Lutheran views was due to the urgency of Cromwell and certain bishops. Gairdner himself notes that this party began to exceed the King's authority. In the Six Articles, however, it was the King who spoke, and not these advisers. The severity of the penalty attached in 1539 to the denial of transubstantiation measures the energy of the King's dissent from Lutheran views as he had become better acquainted with them. It is made evident by this episode that one group of counsellors had a more marked policy of theological change, and we are entitled to doubt the notion which Gairdner seems to cherish, that innovation was alien to the English spirit of the time and came through the subserviency of leaders to the blind caprice of a tyrannous king. Dr. Gairdner's last chapter gladly accepts an historical result which he has been representing as deplorably begun and never consciously pursued. But, after all, his island belonged to a world in which momentous change was operating. A little more knowledge of the continent might furnish some perspective.

FRANCIS A. CHRISTIE.

ligions (p. 21) goes part way, perhaps, to explain how Mr. Cobb, like Innes again, finds it possible to indulge in a quaint idealization of Constantine. The enthusiastic and repeated parallel between Constantine and Roger Williams is, I believe, original with our author.

Mr. Cobb is certainly more at home in American colonial history, and for some of the colonies, as Connecticut and New York, the preparation seems to have been exhaustive and the story is well told; but even in this period, as a whole, the treatment abounds in assumptions unproved or false, and is defaced by so many errors as to challenge confidence in every statement not supported by the reader's own knowledge. The four-page list of "authorities" contains several obvious blunders, abbreviates titles and omits initials and dates in a most irritating way, fails to mention many works that are important if not essential, and jumbles its material, primary and secondary, without the slightest discernible principle of arrangement, whether by alphabet or chronology, subject or importance. The body of the book shows in even stronger light a like confusion regarding the relative value of authorities. Force's *Historical Tracts*, Hawks's *Contributions to Ecclesiastical History*, and the *Massachusetts Records* are given as authorities in foot-notes without reference to volume or page. In one such case (p. 146) the citation is wholly wrong as well as indefinite, and in another (p. 169) an incorrect statement is based upon the indefinite citation. Charters and other sources easily accessible are commonly quoted at second hand — often with unfortunate results. On one page (75) Mr. Cobb confuses the charter of 1606 with James's later instructions to the Virginia Council, quotes as if from the charter of 1609 a sentence not in that document, and shows that he is not aware of the motive stated in the charter for requiring the oath of supremacy. It is stated incorrectly (p. 137) that the Plymouth Council did not receive power over life and death in their patent; this corporation (p. 135) seems to be confused with the London merchants who furnished the funds for the Plymouth Pilgrims; and these Pilgrims (p. 136) are said incorrectly to have sailed without a charter. The exploded misconceptions of the older New England writers regarding supposed liberal peculiarities in the charter of the Massachusetts Company are adopted without hesitation (p. 149), and the same page repeats with emphasis John Fiske's unfortunate statements as to the religious clauses in that document. The Maryland charter is made to ascribe to Charles (p. 363) the motives it really imputes to Baltimore, while the statement on the following page that Baltimore's sovereignty was limited by "only one condition" comes plainly from someone's careless mis-reading of the concluding clause of the charter regarding the future interpretation of disputed passages in the courts. The author fails to see, too, that the Rhode Island charter of 1643 (dated by Mr. Cobb as 1644) did at least imply religious liberty by carefully confining the authority of the state to "civil" matters, — a term which is to be interpreted, of course, by the language in which Williams's followers had from the first promised obedience to the law "in civil matters only." Similar errors characterize

La Belgique Commerciale sous l'Empereur Charles VI: la Compagnie d'Ostende. Par MICHEL HUISMAN. (Brussels: Henri Lamertin; Paris: A. Picard et Fils. 1902. Pp. xii, 556.)

WHEN Carlyle in his *History of Frederick the Great* wrote of what he called the "Shadow-hunts of Kaiser Karl" he included among them the formation of the Ostend Company of Belgian merchants chartered for the purpose of trading with Asia in 1722, and he asserted in his usual slap-dash fashion that this company never existed except on paper, that it never sent a ship to the east, and that it "only produced Diplomacies and 'had the honour to be'" (Book V., Chapter II., "Third Shadow"). Few statements, even from the pen of Carlyle, could have been more inaccurate. Not only did the Ostend Company exist, but it opened a most flourishing trade both with India and China, and caused most sincere apprehensions to the two great maritime nations of the eighteenth century, the Dutch and the English. The opposition of these two nations to the Ostend Company was the keynote of their foreign policy during the first years of peace which followed the conclusion of the Treaties of Utrecht in 1713, and it is from the point of view of international European politics that the Ostend Company has hitherto been regarded. The success of its commercial operations, the nature of its organization, its promise to raise the Belgian merchants once again to the prominent position they had formerly held, have been forgotten, and the publicists and historians who glibly deal with the European history of the eighteenth century write of the Ostend Company, as Carlyle did, with absolute ignorance of its true place in the history of the relations between Asia and Europe.

This review must begin with a tribute to the learned Belgian historians, who during the last few years have shown themselves in the forefront of the modern school of scientific history. There is a tendency to group modern historical writers simply as French and German, and to neglect the admirable work done in history in the smaller countries of Europe, just as there is a tendency to neglect the study of the history of such countries as Belgium and Denmark and Sweden, in spite of their importance in the past, because of their slight political influence at the present time. Yet in these smaller countries the study of history is pursued with even more ardor than elsewhere, because the smaller nationalities realize the contrast between their glorious past and their present insignificance. Nowhere is better historical work being done than in Belgium, both in the careful editing of documents and in the critical appreciation of primary authorities as shown in secondary works. With this sound and careful method goes excellent writing, and the style of modern Belgian histories compares favorably with the products of other European countries. M. Huisman in the volume under review shows a thorough study of the manuscript materials bearing upon his subject preserved not only at Brussels and Antwerp, but also at The Hague, Paris, Berlin, and Vienna. He has carefully studied the mass of pamphlet liter-

Huisman describes at length the condition of the Belgian provinces after the Treaties of Utrecht had transferred them from Spain to Austria, and the way in which the war-smitten country at once endeavored under its new rulers to recover some of its old commercial prosperity. The selfish policy of the Dutch worked consistently against any revival of Belgian commerce, and the English merchants and statesmen supported the action of their allies. It was with the greatest difficulty that after years of negotiation the Imperial and Royal Society of the Indies, better known as the Ostend Company, was at last established in 1723. The organization of the company was admirable and contained the results of English, French, and Dutch experience. Its first expeditions were eminently successful. Good management secured for the Belgian ships a share of the China trade upon favorable terms, and an entry into the port of Canton, at that time forbidden to the Dutch. In India the Belgians were less successful, but their settlements at Covelong near Madras and at Banki-Bazar near Calcutta showed considerable promise and might have grown into important factories but for the opposition of the English and the Dutch. The ablest administrator the Belgians sent to India was an Englishman and former servant of the English company named Alexander Hume, and he had laid the foundations of prosperity when European politics ended the life of the Ostend Company. M. Huisman has fully proved the inveterate hostility of the English and Dutch towards their Belgian competitors, and has traced with care the proceedings which led to the suspension of the company in 1727 and its dissolution a few years later. It is a sordid tale of commercial greed making skilful use of political means, and the impression is left that Charles VI. honestly desired the continuance of the company with its renewed prosperity for his Belgian subjects, but was prevented from maintaining their rights by the bitter hostility of the Dutch and the exigencies of his own dynastic policy.

One or two criticisms may be made of M. Huisman's book, not with the idea of faultfinding, but to point out certain difficulties presented to English readers by his neglect to recognize modern terms. For instance, in his spelling of Indian names he has followed the French transliteration which he found in his documents, but which might be puzzling to readers of English books upon the history of India in the eighteenth century. He always spells the name of the Belgian settlement upon the Coromandel coast as Cabelon, whereas the recognized English spelling is Covelong, a name well known to students of Clive's campaigns. Still more misleading is his use of the words Moors and Moorish. In the eighteenth century it was usual for all Europeans, French as well as English, to speak of the Mohammedans of India as "Moors," and to distinguish them from the Gentoos, as they termed the Hindus. This practice was entirely abandoned in the nineteenth century, and now is only found in the writings of French and Belgian historians. It would be well if M. Huisman in the next edition of his book would alter this unscientific terminology, which he has borrowed from the language of his authorities.

The study of the legal development of slavery in Chapter II. is a distinct contribution to our understanding of the system. Mr. Ballagh shows clearly that in Virginia, as well as in many other colonies, the negro at first was in the eyes of the law a servant in no way distinguishable from other servants. From the beginning, by law and custom, a succession of steps evolved the human chattel of later days. These steps began with the recognition of negroes as slaves for life ; then the recognition of their children as slaves, since they could not be reared as free-men ; next the slave became personal property and at last real estate. Finally a series of laws drew the color line of slavery by first ignoring the distinction of Christian and heathen and then enslaving most mulattoes. When the full status of slavery was established, the author traces in detail the legal privileges and limitations of slaves and compares their condition with that of the English villain. The negro slave could be bought and sold, seized for debt, separated from his family, restricted in movement, etc. On the other hand he could not legally marry or trade, or learn to read or write, or sue in courts except for freedom.

The part of the second chapter dealing with social status is not so full nor so satisfactory as the first part. It has a slightly apologetic tone, and while it frankly admits many evils of slavery (save the greatest one, on which it is almost silent) nevertheless it lays great stress on the benevolent and better side of slavery, and its good effects on master and man. Thomas Jefferson's very flat contradiction of this pleasant picture is attributed by Mr. Ballagh to French "doctrines of equality," and "pique" (p. 129).

The final chapter gives deserved praise to the abolition efforts of Jefferson, Tucker, and others, and shows how the question of disposing of the freedmen was the great obstacle to their plans of emancipation. The author supports "South-Side" Adams's views, and seems to agree with him that Abolitionism rather than cotton was mainly instrumental in fastening the chains of the slaves after 1830.

The volume has a bibliography and an index.

W. E. BURGHARDT DU BOIS.

Immigration of the Irish Quakers into Pennsylvania, 1682-1750, with their Early History in Ireland. By ALBERT C. MYERS, M.L. (Swarthmore, Pennsylvania : The Author. 1902. Pp. xxii, 477.)

Quaker Arrivals at Philadelphia, 1682-1750. By ALBERT C. MYERS. (Philadelphia : Ferris and Leach. 1902. Pp. 131.)

THE coming of Friends' families to America during the colonial days has been described in many works of genealogical research and in local histories, but they have mostly related to families from England. Albert Cook Myers, in the portly and attractive volume named above, has filled a gap in the records by describing the migration of Friends from Ireland.

A smaller volume, also by Mr. Myers, entitled *Quaker Arrivals at Philadelphia, 1682-1750*, contains a record of over a thousand certificates received by Philadelphia Monthly Meeting between the years 1682 and 1750, for Friends coming to reside within its limits, chiefly from over the sea. Many of the names included in this list are still prominent in the records of Friends in the various parts of the United States where their meetings have been established.

Several of the minutes contain explanatory matter that is interesting reading because of the quaintness of the statements. A certificate signed by Wm. Penn and Giuelma Maria Penn, for one who had served them nine years and a half, says, "She is clear of all Persons as to marriage that we can tell of, save one John Martin, and has been well regarded of friends of the meeting to which she has belonged." A minute from Barbados in 1699 states that "Jonathan Dinnis, 'of this Island Surveyor having lately been much troubled with Consumpton,' desires to take a voyage to Pennsylvania for his health, leaving behind his wife and children."

ELIZABETH LLOYD.

New France and New England. By JOHN FISKE. (Boston : Houghton, Mifflin and Co. 1902. Pp. xxvi, 378.)

IT is a cause for genuine satisfaction that Mr. Fiske had at the time of his lamented death practically finished this book, which was needed to complete his series of histories of the United States,—seven volumes reaching from the discovery of North America to the adoption of the Constitution. Like Parkman, Fiske did not issue his several books in chronological sequence ; but from the first he seems to have had them clearly outlined in his mind, and to some extent on paper, and now that the last stone in the arch is laid it can be seen that he builded with care, although not in the usual order.

The scope of the last-published book — chronologically fifth in the series — was foreshadowed in the preface to *The Dutch and Quaker Colonies in America*, its predecessor both in subject and in time of issue : "It is my purpose, in my next book, to deal with the rise and fall of New France, and the development of the English Colonies as influenced by the prolonged struggle with that troublesome and dangerous neighbor. With this end in view, the history of New England must be taken up where the earlier book [*The Beginnings of New England*] dropped it, and the history of New York resumed at about the same time, while by degrees we shall find the histories of Pennsylvania and the colonies to the south of it swept into the main stream of Continental history. That book will come down to the year 1765, which witnessed the ringing out of the old and the ringing in of the new,—the one with Pontiac's War, the other with the Stamp Act."

The greater part of Mr. Fiske's histories were first prepared and delivered as lectures — a custom having certain advantages in ensuring that lightness of touch so essential to popularity, and obvious disadvantages in the necessity for blocking out the matter into equal-sized chapters, each

of carrying us, as promised, to the year 1765, "which witnessed the ringing out of the old, and the ringing in of the new," the volume abruptly ends with the victorious death of Wolfe, in 1759. Possibly the author had intended to add another chapter, treating of the events of the succeeding six years; but he did not, and we can speak only of the book as published.

In the details of early western exploration, our author sometimes betrays a lack of definite knowledge, apparently following Winsor, who, with all his deep learning, is sometimes cloudy in these matters; his French are at all times more shadowy than his New-Englanders, which is not surprising; and not infrequently one meets with a certain indefiniteness of statement which is unusual in the pages of Fiske. But it would be ungenerous to criticise too closely an author who had not the opportunity of revising his manuscript for publication—an author, too, who deserves so well of us as Mr. Fiske. With all its limitations, perhaps most of which are traceable to the lack of revision, the volume is a welcome addition to the growing literature of the dramatic contest between the French and English colonies in North America, and fitly concludes a notable series. The index is a creditable piece of work.

R. G. THWAITES.

The Fight with France for North America. By A. G. BRADLEY.
(New York: E. P. Dutton and Co.; Westminster: Constable and Co. 1902. Pp. xv, 400.)

THIS title is somewhat misleading, as the narrative is confined to the years 1748–1760, and deals only with the military conflict on the American continent. It begins with a characterization of the American colonies, French and English, in 1748, and advances then in rather close chronological order to the surrender of Montreal to Amherst, September 9, 1760. The field of action is the battle-field in the narrowest sense; practically no attention is given to the European managing centers or to the European events, military or political, that affected the origins and conduct of the campaigns. The author (known by his *Life of Wolfe* in the "Men of Action" series, and by other books) is an Englishman who has had the advantage of considerable residence in America; in some degree he disarms criticism by the disclaimer (in his preface) of attempting "to address the serious student of this war, if indeed there be any such on this side of the Atlantic," and by stating his main motive to be the desire to make this period better known to the average English reader, in regard to whom he thinks the volume will "possess at least the merit of novelty." If this be so, the American critic can hardly act upon his first impulse and call the book superfluous; but he can still advise the American general reader to follow its author's example and stick to his Parkman.

It must be conceded that Mr. Bradley has done his popularizing work fairly well. Haste is shown in some curious grammatical blunders (as "who" for "whom," pp. 289, 357); we have occasionally a sophomoric

France bribed Bute with a most princely fee for his services on her behalf" (p. 393).

The culmination of the war is of course the siege of Quebec, and here we might expect to find the writer peculiarly at home, being already the author of a *Life of Wolfe*. What material (beyond Knox's *Diary*) he has used is no more evident here than in any other part of the book, as it is throughout wholly destitute of references; certainly there is nothing fresh either in fact or treatment, while points still wrapped in some obscurity (as with regard to the plan of attack above the town) are left severely alone. The traditional account is, in short, reproduced in all respects, even to the old story of the reciting of Gray's *Elegy* by Wolfe on his way to the scaling of the cliffs; this amiable clinging to the tale would seem to indicate that in this case our writer's literary sense is more than a match for his sense of accuracy, for Mr. Morris in the note in the *English Historical Review* (Vol. XV., 125) in which he explodes this form of the story had pointed to Mr. Bradley in his *Life of Wolfe* as the most recent reiterator of it, with the remark that he had increased the inaccuracy by giving the name of the original authority as "Robertson" instead of "Robison"; in the present telling of the story Mr. Bradley accepts the "Robison," but seems unable to go any further.

VICTOR COFFIN.

The History of Wachovia in North Carolina: The Unitas Fratrum or Moravian Church in North Carolina during a Century and a Half, 1752-1902. By JOHN HENRY CLEWELL. (New York: Doubleday, Page and Co. 1902. Pp. xiv, 365.)

THE Moravians in 1752 settled a rich tract of 100,000 acres of land in western North Carolina. Till 1771 they lived in common, except in two of the villages, which abolished the system somewhat earlier (p. 91). They were quiet German farmers and artisans. Their thrift and simple lives made them valuable members of the community. Their religious organization gave them an intense common life. They lived in a series of villages after the German type, the most prominent of which was Salem. In Salem they early established schools which had a wide influence throughout the state. Later they were among the first in the state to build factories. Like most of the early Germans in America, they had but little to do with political affairs, and they had conscientious scruples about bearing arms. In the Revolution they endeavored to be neutrals and were distrusted by each side. Outside of their town limits there grew up a town of non-Moravians, who were more enterprising than the staid Germans and made rapid strides in town development. The two places, now united as Winston-Salem, constitute a thriving manufacturing community.

The story of the century and a half during which this community has attained its present condition is an interesting piece of local history. Mr. Clewell is well qualified to write this story. He is a prominent

daries in the period of discovery and exploration down to 1606. This is followed by an examination of the boundaries in the Acadian period, that is, from the Virginia Patent, 1606, to the Treaty of Paris in 1763, when Canada came into the possession of Great Britain. An examination of the boundaries in the English period, 1763-1783, follows, with especial attention to the efforts which were made to locate the river St. Croix; and the monograph closes with a consideration of boundary questions in the Loyalist and later periods. The discussion throughout is characterized by clearness and a strong intellectual grasp of the facts under review. Indeed it affords an admirable illustration of the scientific method which is now demanded in any historical inquiry.

The rightfulness of the legal claim advanced by the state of Maine in the northeastern boundary controversy Professor Ganong fully concedes. The original charters, documents, maps, etc., he says, point irresistibly to the conclusion that Maine was right in her contention. All the principal men in New Brunswick, moreover, whose duty required them to examine minutely into the documents of the case, admitted the full American claim. In 1814 the New Brunswick legislature admitted this claim, and so at least in part did the British government the same year in asking for a cession of territory to preserve the communication from Quebec to New Brunswick. Furthermore, the British claim to the Mars Hill highlands as a boundary did not make its appearance until after 1814. It was tentatively advanced in 1815, had not been elaborated in 1817, and made its first formal appearance in the controversy in 1821, in the argument of Ward Chipman. Professor Ganong's position is indicated by this further statement: "Had Mitchell's map proven to be accurate, or had the commissioners had an accurate modern map before them so they could have made their description accurate, or had they annexed a marked copy of Mitchell's map to the treaty, the controversies over the question could not have arisen, and Maine would, I believe, include the Madawaska region and would extend to the highlands south of the St. Lawrence."

But while conceding the rightfulness of Maine's legal claim throughout the northeastern boundary controversy, Professor Ganong somewhat severely criticises her conduct as a party in the controversy. He says: "But while I think Maine's legal right to her claim is clear, I can by no means justify the conduct of Maine in endeavoring to force these extreme rights. Her right to the territory in dispute was not due to her discovery, exploration, or settlement of it; it was purely accidental. Moreover, the territory was of comparatively slight value to her; she had not a settler upon it nor a road to it for half a century after the treaty was signed. On the other hand, it was settled in good faith by British subjects, and was not simply valuable, it was invaluable to Great Britain. That under these circumstances Maine insisted upon the uttermost letter of her rights, refusing all accommodation until any other settlement was hopeless, is by no means to her credit. If Great Britain appears to disadvantage in employing diplomacy to save what she legally

Political History of the United States. With Special Reference to the Growth of Political Parties. By J. P. GORDY, Ph.D. In four volumes. Vol. II. (New York: Henry Holt and Co. 1902. Pp. 581.)

THIS, the second volume of Professor Gordy's work, bears a new title. The preface says: "The title under which the first edition of this work appeared, namely, '*A History of Political Parties in the United States*,' was found to be inapt, as not properly indicating the subject-matter, and as causing the work to be confused with ephemeral campaign histories. It has therefore been determined to call it what it is — a *Political History of the United States*." The change of title does not, however, imply a change of plan. Political parties receive nearly as much attention as in the first volume; and their importance is recognized both in the full title and in the running half-title.

The period covered extends from Madison's inauguration in 1809 to the election of Jackson in 1828, a scant twenty years. Between these dates occurred Madison's diplomatic duels with Canning and Napoleon; the War of 1812; the acquisition of the Floridas; the announcement of the Monroe doctrine; a great migration into the valleys of the Ohio and the Mississippi; the rise of the question of internal improvements to a position of high importance; a rapid development of manufacturing in the northern and middle sections, due in large part to the embargo and the war; the consequent adoption by these sections of the policy of high protection; the suicide of the Federalist party; the temporary conversion of the Republican party to Federalist doctrines; the democratizing of state constitutions; the early stages of the organization of a new and more radical Democracy under the leadership of Jackson; the beginning of a general reconstruction of the party system; and two seasons of financial and economic disaster, one before and during the war, the other culminating in 1819.

In apportioning this large and important field Professor Gordy gives to the period which precedes the war, a space of three and a fourth years, considerably more than a third of the entire book. The events of this period which he narrates relate in the main to diplomatic history; it is the story told with exceptional clearness of the struggle of Madison to maintain against Canning and Napoleon the rights of the United States — a struggle made ineffectual not so much by Madison's lack of astuteness as by the treachery of Republican leaders in the Senate, and by the cowardice of the Eleventh Congress.

Four chapters, each of great value, cover the war period. The subjects are "War Legislation," "Bankruptcy of the Government," "The Hartford Convention," and "The English Liberals and the American Federalists." Despite Professor Gordy's well-deserved reputation for even-handed justice, I think that in the last two of these chapters the Federalists are treated with undue severity. It is true that they erred in judgment and were deficient in patriotism; but it was good luck rather than

history of the war should be judged. True, his space was limited; and the title may, I suppose, be taken to indicate another limitation. But he has found space enough, one fancies, to set forth with considerable fullness all the views which he himself felt to be important concerning disputed questions. He is not given to hints or adumbrations: on the contrary, he is always positive, and usually, notwithstanding his apparent indifference to style, he is also clear. The fact that this book is one of a series does not, therefore, prevent the reader from feeling that it is decidedly Professor Burgess's book throughout, and that it is a fairly complete presentation of the American Civil War as Professor Burgess sees it. That he sees it from the point of view of "political science," rather than the point of view of one human being concerned about the life of a great mass of human beings in a former period, would be apparent from a very cursory examination, even if he were not at pains to tell us so many times in the course of his narrative.

Beginning with a study of Davis, Lincoln, and Douglas, as the three principal figures, the three storm-centers of the agitation and debate which immediately preceded the disunion movement, he goes on, in his second chapter, to discuss the antislavery sentiment in the south, and makes, I think, his best contribution to an understanding of the situation there in his account of the rise of a *bourgeoisie* in the southern towns and cities, opposed politically and industrially to the dominance of the planters. These two chapters are the most readable in the book. All the principal events of the year 1860-1861 are then stated, dryly and straightforwardly, with comment and criticism which is always intelligent but never imaginative or sympathetic. A decidedly national view of the Union is maintained throughout, and little concession is made to the theories of the Southerners or the Copperheads. In later chapters, the campaigns and battles are related very much as if they were operations in the *Kriegsspiel*. We learn in each case the names of commanders, the numbers and the situation of the forces, the plans of battle, the actual movements, and the results. Meanwhile, though not much attention is given to war finance, the steps in emancipation are followed in the same way. There is a useful review of the governmental changes, all tending to centralism, which came about during the four years; and at the end there is an account of the international complications. What more, for scientific purposes, could one require?

One reflects, however, that by far the greater number of persons who care to read two volumes on the Civil War will not have political science in mind. They will be interested, primarily, in a dramatic and profoundly moving story of human error, suffering, and heroism; and they will—very many of them—still have a notion that history is a department of literature. It would appear, therefore, that this work is meant chiefly for students of political science; and it is not to be doubted that these will find much of interest in Professor Burgess's discussions of various constitutional and political questions, and in his judgments of persons.

detail, and with clear and forcible reasoning, which place the loyalty and good faith of the Italian government in that trying period beyond dispute, but by means of numerous edited and inedited despatches of the Italian ministers and special envoys at the courts of Berlin and Paris, juridically estimated and explained, he succeeds in constructing a clear and detailed general account of the changing and conflicting purposes and moods of the Prussian and French governments, such as no Prussian or French historian has yet succeeded in writing.

In 1866 Paris was the center of European diplomacy. France for the last time in the nineteenth century was looked to as a determining factor in international disputes, and down to the Battle of Sadowa Napoleon III. was the arbiter of the destinies of Europe. Happily, at this time Italy was represented at Paris by one of the ablest diplomatists ever in her service, Conte Nigra. Well received at the French court owing to the well-known friendship of Napoleon III. for Italy and owing to his own intimacy with the Empress, the keenly observing Nigra was able to keep his government remarkably well informed, not only upon the varying moods and ambitions of Napoleon III., but also upon the diplomatic attitudes of Prussia and of Austria, which were largely determined by the policy of the French Emperor, and which were for the most part well understood at Paris. The diplomatic correspondence of Nigra, largely inedited, has been at Chiala's disposal, and is freely quoted and ably commented upon throughout the work. These despatches, characterized by keen and clear judgment, form a most important addition to the sources of the historian upon the diplomacy of 1866, already so abundant, thanks to the indiscretions of Benedetti and of La Marmora, and to the revelations made for political purposes by Bismarck. For the student of general European history, of scarcely less importance than the diplomatic correspondence of Nigra is that of Conte Barral, Italian minister at Berlin, and that of Generale Govone, Italian envoy extraordinary at the same court, both also largely inedited and quoted at length by Chiala.

For the more particular history of Italy, Chiala reveals to us many unpublished primary sources, of which the most important is a portion of Part II. of La Marmora's famous *Un Po' più di Luce*, here reproduced at length in the most extended of the appendixes. La Marmora had refrained from publishing this, owing to the lively remonstrances made even by those most devoted to him, on account of the indiscretions committed in the publication of Part I. Of Part II., the military portion had been submitted to the general staff of the Italian army as an aid in the compilation of the Italian official work, *La Campagna del 1866 in Italia redatta dalla Sezione Storico del Corpo di Stato Maggiore*, and therefore is omitted by Chiala; the political portion, which now for the first time sees the light, relates to the events of the first two weeks of August, and bears irrefutable testimony to the important service rendered to Italy by La Marmora in obliging the King and the government to make peace after the armistice by Prussia at Nikolsburg. Among important inedited documents relative to the direction of the Italian campaign, the

to repeat the calumnies of the past against Italy and against her unfortunate La Marmora. Chiala has certainly earned the gratitude of historians by his earnest, critical account, as well as by the wealth of documents which he has brought within their reach, and his volume takes its place among his other works as second in importance only to his well-known publication of the letters of Cavour. ✓

HARRY NELSON GAY.

The Story of the Mormons. From the Date of their Origin to the Year 1901. By WILLIAM ALEXANDER LINN. (New York: The Macmillan Co. 1902. Pp. xxiv, 637.)

RELIVING mainly on original Mormon publications, the author has succeeded in giving the first critical and thorough treatment of a "long unwritten chapter of American history." In Book I. he shows from rare and suppressed sources that the Mormon origin depended on the credulity and superstition of the Smith family; the chapter on the origin of the *Book of Mormon* is not so satisfactory. External evidence is against its early fabrication by Smith's later associate, Sidney Rigdon; internal evidence makes the *Mormon Bible on Plates* authentic and of some historical interest. First published in 1830, it contains echoes of the anti-Catholic campaign, the Antimasonic agitation in western New York, and the so-called Washingtonian temperance movement. There are also to be found verbal quotations from the *New England Primer* and Paine's *Age of Reason*. If the fraudulent character of the Mormon canon cannot be established, duplicity was yet a mark of its author. Upon the removal of the infant church to Ohio, as described in Book II., Smith claimed as his own the semi-communistic system of Rigdon, and upon the failure of the Kirtland Safety Society Bank, repudiated his debts and fled to Missouri. Here his land speculations were merely symptomatic of the panic of 1837, but his advice to the Saints to abandon their possessions and come to the land of promise brought trouble. What the new converts had lost in the east they were told they might make up in the west by "appropriation of the good things of the Lord." It was this spoiling of the Gentiles that ultimately led to the expulsion of the Mormons from their prosperous settlements in Jackson county. Upon the founding of Far West, Smith succeeded in imposing the tithing system upon his followers, but the attempt to recoup themselves by counterfeiting was another cause for the beginning of active hostilities. Rigdon's notorious Fourth of July oration against the "uncircumcised Philistines of Missouri," in addition to the charge of tampering with slaves, brought about election-day riots and a speedy state of civil war. Both sides were to blame in this. Smith's defiance of the authorities was followed by the massacre at Hawn's Mill, while Governor Bogg's order of extermination was but a result of the depredations of the prophets' "Fur Company."

Book IV. opens with the forced immigration to Illinois and the unexpected welcome of the Saints, for not only the landowners but the politicians were friendly to the rapidly growing church. The Mormon vote

leaders for their polygamous practices. Mr. Linn, besides correcting exaggerated views of Young's executive ability, has given the first consistent account of the fight against polygamy. The final chapter gives as salient points of the Mormonism of to-day,—polygamy traded off for statehood, but still a living doctrine; false promises of prosperity to the older converts, but the continued fidelity of the younger members; decreased foreign membership, but increased political power in the west. Closing with a sketch of the persistent Mormon ambition for political supremacy, the author dwells on the vital importance of a Federal Constitutional amendment against polygamy. The book is thoroughly indexed and well illustrated with documents from Mormon sources.

Colonial Government: An Introduction to the Study of Colonial Institutions. By PAUL S. REINSCH. (New York: The Macmillan Co. 1902. Pp. x, 386.)

Essays in Colonization. By ALBERT G. KELLER, Ph.D. (Reprinted from the *Yale Review*, August, 1900, May, 1901, February and May, 1902. Pp. 175-190, 30-52, 390-416, 1-26.)

DR. REINSCH has done a serviceable work in bringing into small compass and orderly form the essential facts of colonization. In a brief introduction the modern aspects of colonial enterprise are noted, in contrast with the older, and his own definitions of "colony" and differentiation of colonies are set forth. The distinction which he makes the basis of his classification of colonies is one which is generally recognized but not so definitively characterized as in his terms "settlement" and "exploitation" colonies. These connote both the character of the population and the location of the colonies as to latitude, for each type has its zone.

The work then proceeds, not at first in the paths of the various European discoveries and colonial ventures, but rather across these, to question as to the motive of their undertaking. Adventurer, merchant, missionary, capitalist, and exile are alike hailed on their voyages, and their cargoes or purposes inspected. In this way the movements of population and the motives of colonization are exhibited in brief space. A swift journey through the regions settled or controlled by European enterprise discloses the methods in which these individual motives have expressed themselves.

The second part of the book is devoted to a description of the general forms of government under which European states have organized their relationship to their dependencies and have exerted control, running the colonial gamut from spheres of influence, colonial protectorates, and chartered companies, through direct administration, representative institutions, and self-governing colonies to colonial federation. Here is presented in brief space a very suggestive and comprehensive view of colonial governments. The description is full enough and clear enough to give one unfamiliar with the subject an intelligent notion of the characteristics of the varied forms of colonial life, and yet so full of interest

correspondent ; he has had administrative experience both in Burma and in Mashonaland ; and he has produced many descriptive works on the far east. His latest volume consists of well-illustrated chapters upon the political and economic condition of the powers that control the Pacific Ocean. To the United States is allotted four chapters, to Great Britain, five, to the Dutch, three, to Japan, two, and to the other powers, Germany, France, Russia, and China, only one. An introductory chapter of about twenty pages is given to the history of the Pacific, and that chapter alone demands attention in this review. It contains a summary of the ethnology of the Polynesians and the Malays, and a few paragraphs upon the early history of the Europeans in the Pacific. These paragraphs are so condensed that it is not possible to criticise them in detail. It may be that Mr. Colquhoun has never really studied the history of Europe, or it may be that the difficulty of condensation has caused him to leave a false impression of ignorance. To follow up the remark that "the Batavian Republic was entirely under the thumb of France" with a sentence on the Battle of Waterloo may imply that Mr. Colquhoun is ignorant of the changes which marked the transformation of the United Netherlands by way of the Batavian Republic into Louis Bonaparte's Kingdom of Holland, and eventually into a group of departments of Napoleon's Empire, but it looks like over-condensation. "The Republic of Batavia" is, as a phrase, to be utterly condemned as both inaccurate and sadly misleading. The little bits of history which turn up in the descriptive chapters seem generally to be correct, but it is to be borne in mind that Mr. Colquhoun is a traveller and a journalist, and not a trained historian. His account of his experiences in the Philippine Islands during the early days of the American occupation has much value as material for history, and some of Mr. Colquhoun's statements should be borne in mind in political quarters. Such remarks as "There is no Filipino tongue as there is no Filipino nation" (p. 136) and "Judge Taft is peculiarly the stamp of man to deal successfully with the Philippines" (p. 153) are valuable evidences of contemporary opinion by an experienced administrator, and the usefulness of the chapters on the United States in the Pacific lies in such remarks.

There is nothing of such value in his comments upon the English and the Dutch in the Pacific, for the situation of those powers was not in a critical condition at the time of his visit, but the descriptions of life and character there are excellently written and admirably illustrated. The chapters on the New Japan that deal with the Japanese in Formosa are of much greater value, for the Japanese experiment is still only an experiment, and it is not yet certain whether the Japanese will successfully settle and civilize their conquest. Mr. Colquhoun's remarks on this subject make interesting reading when it is borne in mind that the Japanese, like the Americans, are making their first attempt at a colonial policy in Asia. On the whole, it may be said that Mr. Colquhoun's book is full of interesting matter and that he has provided some descriptive material which may prove of value to students interested in the

The bibliographical aids in the form of "sources" and "parallel readings," which accompany each chapter, are among the best part of the editor's work, and are unusually well suited to the work of the classroom.

Annibal dans les Alpes. With plans and illustrations. By Paul Azan, Lieutenant of the Second Zouaves. (Paris, Picard, 1902, pp. 234.) This subject has inspired an enormous mass of literature. The bibliography collected by Lieutenant Azan, ranging over the past four centuries, fills nineteen pages of his monograph. Most of these works he has consulted; and he has classified the routes proposed by the various authors in systems and groups of systems with reference to the "*col de franchisement*" of the Alps. This method greatly simplifies the discussion. The basis of his study, however, is the account of Polybius, and to some extent that of Livy, interpreted in the light of a most careful examination of the topography. The result of this inquiry may be given in his own words: "Annibal a passé le Rhône près de Roquemaure. Il a remonté la rive gauche de ce fleuve, puis la rive gauche de Isère, et enfin la vallée de l'Arc. De là il est arrivé au Petit Mont Cenis et a gagné la vallée de la Doire Ripaire par le col du Clapier. L'Ile, le Drac (Druentia de Tite-Live), la vallée du Graisivaudan, le col du Grand Cucheron (commencement de la montée des Alpes), la vallée de l'Arc, la position d'Amodon (leukopetron), le col du Clapier avec son plateau propre au campement, sa vue de l'Italie et sa descente escarpée, jalonnent le parcours dont Polybe nous a laissé le récit."

The author has certainly added new interest to this fascinating subject; and although he does not claim originality in every point, he deserves the larger share of credit for the discovery and exposition of a route which seems to meet all the conditions imposed by the accounts of Polybius and Livy

G. W. B.

The latest volume of the *Monumenta Germaniæ Historica* — Tomus IV. of the *Scriptorum Rerum Merovingicarum* (Hannover and Leipzig, Hahn, 1902)—is, like its predecessor in this series, devoted to the *Pasiones Vitæque Sanctorum Aevi Merovingici* and, as hitherto, under the able but severe editorship of Bruno Krusch. Fierce has been the strife kindled by his earlier results as to the Merovingian saints, and especially by his conclusions as to the date, the birthplace, and the sources of that important martyrology which has so long borne the name of Jerome. This new volume will hardly bring peace to the critics. It is with a fire and a bitterness which in a dead language are almost uncanny that in his *Epilogus Editoris* he now pays his respects to the "*schola quæ dicitur legendaria*" and to its assaults upon his previous volume. Much milder is the brief preface of Dümmler—alas, that it should be our last from that great editor-in-chief—which points out that the present volume covers the period from the opening of the present century to about 660 and that its contents are the lives of Columban, of Sulpicius of Bourges and

prepared for school uses. The authors are for the most part well-known and their names already associated with the several themes which are here assigned them. Thus Mr. Gotch writes upon "Domestic Architecture"; Oman, upon "Military Architecture and Art of War"; Oppenheim, upon "Shipping"; Lucy Toulman Smith, upon "Town Life"; Jessop, upon "Monasticism"; Leadam, upon "Trade and Commerce"; and Hartshorne, upon "Costume, Military and Civil". Other subjects treated are "Ecclesiastical Architecture", Galton; "Heraldry", the editor; "Learning and Education", Rait; and "Art", Rushforth.

Unlike many books of this composite character, the work is uniformly excellent. The editor, however, has not been sufficiently watchful. Yet where there is so much of high quality the reviewer may well hesitate to notice such slips as the misspelling of the name of Bishop Stubbs, or the misquoting of the title of Mr. Cunningham's well-known work. We may also pass over in silence an occasional repetition or even inconsistency of statement. The latter perhaps is almost unavoidable where many authors write upon topics which are related in time and hence frequently overlap or merge along ill-defined borders. Such faults are to be charged to this method of making books.

It is, however, a serious oversight that such short shrift is given to the friars and the military orders. They certainly deserve as full treatment as the Benedictine monasteries. It is true that Mr. Jessop excuses himself for not treating the friars in treating of monasticism, on the plea that "the brothers" were not really monks. That may be so; but then the author should have been assigned a topic big enough to cover the entire field of religious fraternities. The essay of Mr. Rushforth is open to a criticism of another kind. The treatment is not only meager but dry and lifeless. After wading through this small Sahara, one is not surprised to find the author acknowledging, with an evident sense of relief to be rid of the business, that England has never been the home of a great art. Possibly Mr. Rushforth's studies in classical art, in which he enjoys a well-deserved eminence, have unfitted him to appreciate the attainments of his own countrymen toiling in the obscurity of a humbler age.

The book as a whole will certainly be regarded as a valuable acquisition to the working library of the teacher of English history and a special boon to the man who has not ready access to many books. The vast array of technical material which has been packed into these brief essays cannot for obvious reasons be treated in the ordinary text-book, and yet some treatment of these topics is essential to any worthy study of the life of medieval England.

B. T.

The second volume of Professor Kovalevsky's *Oekonomische Entwicklung Europas*, which has lately appeared in German translation (Berlin, R. L. Prager), will be welcomed by all who are interested in the history of institutions. While the author's interest is chiefly on the eco-

tion of the manuscripts employed ; then the text, clearly and attractively printed ; and lastly a good index. There is also a convenient table of comparison, to show how far the chapters of the *Fioretti* correspond with those in the *Acts*. Sabatier thinks the *Acts*, in their present form, lack some chapters which stood in the original, and contain others, *e. g.*, 61-66, which were not in the original. He believes the chief compiler to have been Hugolin de Monte Giorgio, about whom, however, little is known. Of course history and legend mingle in the *Acts*. The editor points out that stories of the founder tend to repeat themselves in the lives of his disciples (see *e. g.*, *Acts*, Chap. 49). Another sort of development appears in Chap. 31, where a striking resemblance is noted between what the devil says to Rufinus and what certain cardinals once said to St. Francis.

J. W. P.

Life and Letters of Thomas Cromwell. By Roger Bigelow Merriman. (Oxford, The Clarendon Press, 1902, two vols., pp. viii, 442 ; iv, 356.) Much the greater part of this work consists of documents bearing on the life of the great minister of Henry VIII. Of these, the letters fill a considerable part of the first volume and all of the second. In searching out and publishing these documents Mr. Merriman has done a service to the students of the period, as a number of the letters appear here for the first time in print. The life of Cromwell, which fills about half of the first volume, is a careful piece of research. On the obscurity of Cromwell's early life it throws little new light, though it does correct certain errors into which previous investigators have fallen. There is, of course, much material for an account of his life while he was in power, and this Mr. Merriman has sifted with much care, following, as he says in his preface, Mr. Owen Edwards's "Lothian Prize Essay" of 1887 in his general arrangement. While the work forms a careful and scholarly study of Cromwell, one may be permitted to express a regret that the style lacks in finish and clearness. The book is, presumably, a thesis for an advanced degree, and it has the defects of its qualities, as well as the virtues. As to the conclusion of the whole matter, Cromwell's place in history, we may not all agree, perhaps, with the characterization of the preface, but it is not the less interesting on that account. "Though it would certainly be difficult to overrate his importance in the history of the Church of England, I maintain that the motives that inspired his actions were invariably political, and that the many ecclesiastical changes carried through under his guidance were but incidents of his administration, not ends in themselves. Consequently any attempt to judge him from a distinctively religious standpoint, whether Catholic or Protestant, can hardly fail to obscure the truth. I cannot agree, on the other hand, with those who have represented Cromwell as a purely selfish political adventurer, the subservient instrument of a wicked master, bent only on his own gain. It seems to me as idle to disparage his patriotism and statesmanship as it is to try to make him out a hero of

sight of the termination of his journey, and second, in having for a companion one whose saintly character added fresh glory to the powerful society, which coveted the further distinction of the discovery of the Mississippi. The volume is illustrated by copies of Marquette's journal and map, borrowed from Volume LIX of the *Relations*, and by photographs of the bronze reliefs on the Marquette Building, Chicago, designed by Mr. H. A. McNeil.

AMES BAIN.

La Vie Littéraire à Dijon au XVIII^e Siècle, d'après des Documents Nouveaux. Par L'Abbé Émile Deberre, Docteur ès Lettres. (Paris, Alphonse Picard et Fils, 1902, pp. 413.) In the present volume the author, who has very recently published his thesis: "Quid Sit Sentientium de Philippi Destouches . . . moribus," reviews the various phases of literary activity in Burgundy in the eighteenth century. The book is divided into three principal parts, devoted respectively to the work done in pure literature and bibliography, in history, and in the sciences; and to these are added a long and rather garrulous preliminary chapter on culture and education at Dijon, a shorter summary, a hundred and five pages of "documents," and an index of names.

Mr. Deberre has two striking personal limitations — his local Burgundian patriotism and his character as priest. Of the first named he has made a virtue; without it he could not have written the book at all. The second makes itself to be felt heavily from beginning to end of his work, principally in restricting his literary horizon to the entirely respectable, which was all in the hands of his fellow-craftsmen and of their intimates of the bar and bench. Thus he does not, for instance, so much as mention the name of Restif de la Bretonne. Yet there are occasional glimpses of the plain truth, and from time to time a good thing well said. The opening words of the concluding chapter, "De cette brillante période littéraire il faut avouer qu'il reste plutôt de grands souvenirs que de grandes œuvres," fit the case exactly; one only wonders that the man who could write them could have sent 288 octavo pages before them.

The student of history may find somewhat to attract his notice in what is said of Lelong and Fevret de Fontette, and more in the chapter given to Courtépée (pp. 193–215). The Président de Brosses and the Dijon Academy may interest the occasional curiosity of a general reader.

The "documents" are more than common sterile.

B. P. B.

Studies in Irish History and Biography, mainly of the Eighteenth Century. By C. Litton Falkiner. (London, New York and Bombay, Longmans, Green and Co., 1902, pp. vii, 362, 32.) "The Irish question," says Lord Roseberry, "has never passed into history because it has never passed out of politics," and, as a result, books on that much-vexed subject have too often partaken more of the nature of controversy than of history. In this respect, as in many others, Mr. Falkiner's book has an

my Countrymen, I wish I could say I was not born in America." (*Ibid.*, p. 725). It is not the author's intention to explain or criticize, but to describe; but a somewhat more critical examination would have been helpful.

Rolls and Lists of Connecticut Men in the Revolution, 1775-1783. [Collections of the Connecticut Historical Society, Vol. VIII.] (Hartford, 1901, pp. xiii, 375.) It has often been asserted that Connecticut furnished more men and supplies to the cause of independence in proportion to population and wealth than any other of the thirteen colonies. Whether this be true or not, this handsome volume is a document of singular importance.

In 1889 the state issued the *Record of Connecticut Men in the War of the Revolution*. It was confessedly somewhat hastily compiled, and was hardly published when many new regimental and company rolls came to light. Efforts were soon made by the Connecticut Historical Society to print these rolls, many of which are in its possession, but the work languished. By a special act of the state legislature sufficient encouragement was given the society to complete the volume which now appears under the capable editorship of the society's secretary and librarian, Albert C. Bates.

The work shows great care, and as constant reference is made to the former *Record* this mass of additional or corrective matter forms a needed supplement to that book. The editor states that "every roll and list here printed is either entirely new or contains sufficient in the way of new names, additional service, or names of the towns from which the men came to justify its printing." Rolls and lists in private hands and the various state offices are printed. Much use has been made of a manuscript volume in the state controller's office, called "Haskell's Receipts," of which the editor says: "The volume is of much interest. It consists of records of accounts preferred by the State of Connecticut against the United States for payments made by the State for wages and expenses of State troops, each of which is certified to by 'E. Haskell, Com' Eastern States.'" Of curious interest (not alone to the genealogist) are the "size rolls," giving in addition to the usual information the size of the men in feet and inches, age, color of hair and eyes, complexion, place and date of birth, etc. All indorsements and explanatory notes on the original lists are given, but they frequently serve to mystify the reader, while the editor's notes are all too few.

The index, which forms nearly one-quarter of the book, is to be commended for its legible type, simplicity of arrangement, fullness, and reduction of the orthographic vagaries of the text. The editor notes that sufficient material is in hand for another volume.

FRANK B. GAY.

The Eastern Question, a Study in Diplomacy. By Stephen Pierce Hayden Duggan. (New York, 1902, pp. 153.) In this monograph,

June 1, 1779, to July 10, 1780, and embraces, in their original order, the documents numbered in the manuscript volumes from 2346 to 3064. There is an editorial preface of twelve lines, and throughout the 954 pages the "notes," which are reinforced by the editor's official title, aggregate 75 lines. There is the usual attempt at illustration, with portraits of the heroic cast, as that of Sullivan, and with inappropriate prints, as those of Pulaski and Stark. The lack of an index in an official publication now becomes more striking in view of the fact that the uselessness of a volume thus incomplete has been pointed out in an opinion by one of the justices of the Supreme Court of the state. However, the mechanical process which this editor supervises certainly reduces somewhat the inaccessibility of a considerable mass of interesting and valuable material.

The event which introduced Napoleon to history is impartially studied in the Heidelberg thesis, *Napoleon Bonaparte and the Siege of Toulon* (Washington, 1902, pp. vii, 114), by Dr. Charles James Fox. The work is in two parts, the first of which discusses the siege itself, the second, the diplomatic correspondence of the Allies respecting Toulon, and the results of its fall. The whole is based upon archival research in Paris and London.

Dr. Fox in his narrative of the siege upholds the importance of Bonaparte's rôle at Toulon. In the main, French criticism here, as in other moot points concerning Napoleon, has reflected the contemporary political fortunes of his dynasty; and since the tendency to slight Bonaparte's work at Toulon has found much prejudiced support in the memoirs of Barras published in 1895, Dr. Fox, by sifting again the official records, has done historical science a timely service. Excessive credit, he finds, has by some been given to Bonaparte for the successful plan of siege. This would have occurred to any respectable tactician and was, in fact, proposed contemporaneously or first in Paris. But the execution was Bonaparte's, and in it are genuine touches of the great Corsican. A battery, for instance, so exposed that gunners hesitated to serve it, he overcrowded with volunteers by naming it "*La batterie des Hommes-sans-peur*." Still the author, in representing this siege as an almost indispensable school of experience for Napoleon, has yielded perhaps to the temptation of a writer to magnify his theme.

The second part is noticeably of less interest. It illustrates the friction between England and Spain over Toulon; and the author, without close argument, ventures the conclusion that they and the other Allies regarded Toulon as rather a pledge of indemnification than a base of offensive war. It may be noted that, since the Allies in Toulon almost from the beginning were on the defensive, the suggested alternative never became real.

From technical defects this work is not free. Quotations in the text a page or more in length occur repeatedly in the second part; and the discussion there of diplomatic relations which contributed much to the fall of Toulon seems a breach of unity. The diction, too, is weighted

his approaches to the main subject the author devotes a considerable portion of his space to resolutions and by-laws adopted by unauthorized settlers on Iowa soil. These he calls "squatter constitutions." Chapters V to VIII, inclusive, are devoted to Iowa as a territory, and the two fundamental laws handed down by Congress for the government of the territory are analyzed and compared. One of these was for the government of Wisconsin at the time when Iowa was included within its limits, and the other was for the government of the territory west of the Mississippi and north of Missouri. Six chapters are devoted to the agitation for the adoption of a state constitution and the formation and rejection of the constitution of 1844. The remaining six chapters are devoted to the two constitutions of the state, the one of 1846 and the other of 1857, together with a brief account of boundary disputes and the admission of the state to the Union. The work is for the most part a brief compilation from the author's more detailed publications on the same subjects. The book is without foot-notes and citations to authorities, and also lacks bibliography and index.

The Roll-Call of Westminster Abbey (New York, The Macmillan Company, 1902, pp. xii, 418), by Mrs. A. Murray Smith, appeared at a most fitting moment when the approach of the coronation brought the historic foundation of Edward the Confessor into increased prominence. However, the author states that she has been occupied with her task for several years, and publishes it with the hope that it will meet the needs of those desiring something on the subject less bulky than Stanley's *Memorials* or her own *Annals*, and yet more comprehensive than the *Deanery Guide*. Mrs. Murray Smith's book gives concise but interesting accounts of the chief persons buried or commemorated in the Abbey, together with much incidental information concerning coronations, state funerals, and other events connected with its history. The phantasmagoric introductory chapter could well have been spared. There are many excellent illustrations, though, as was perhaps inevitable, some are a bit pallid and blurred. The plans showing the location of the tombs are helpful.

A. L. C.

A Maker of the New Orient (New York and Chicago, Fleming H. Revell Co., 1902, pp. 332), by Dr. William Elliot Griffis, is an animated and intensely appreciative biography of Samuel Robbins Brown. It is a record of a varied and busy life as a pioneer missionary in China and Japan, as translator of the New Testament into Japanese, and, in the United States, as a teacher of the deaf and dumb, and one of the initiators of the higher education of women; for Dr. Brown was instrumental in establishing the first chartered women's college in this country—Elmira. The author's vivacious style is somewhat marred by occasional repetitions of phrases, such as "sunny missionary" and Dr. Brown's statement, "If I had a hundred lives, I would give them all for Japan."

October number of the *Revue* he directed there is a brief account of his work and his practical aims, by M. E. G. Ledos.

M. René de Maulde, whose death occurred recently, was one of the most productive historical writers in France. Born in 1848, he published his first scientific work in 1868, at the age of twenty, soon followed it up with several considerable studies relating to Orléanais and Avignon in the Middle Ages, and then, with astonishing rapidity, brought out numerous books bearing upon the history of France in the sixteenth and seventeenth centuries. Among these last were three volumes of an *Histoire de Louis XII*, and three volumes on *La Diplomatie au Temps de Machiavel*.

Students of the Renaissance will be among those to regret keenly the death of M. Eugène Müntz. His *Vie de Raphaël*, by which he first became widely known, was followed up by many important books, especially *L'Histoire de l'Art pendant la Renaissance*, *Les Précurseurs de la Renaissance*, *Léonard da Vinci*, and *Pétrarque*.

From Germany and Austria comes report of the death of Professor Ernest Dümmler, of the University of Berlin, author especially of a *Geschichte des Ostfränkischen Reiches*, and at the head, since 1888, of the *Monumenta Germaniae Historica*; Dr. Konrad Maurer, professor at the University of Munich since 1849 and author of many works relating to Scandinavian countries, especially Iceland; Dr. Julius Ficker, of Innsbruck, professor, and eminent student of the history of law in Italy and Germany; and Dr. Ferdinand Kaltenbrunner, professor of the auxiliary sciences of history at Innsbruck and writer especially in the field of diplomatics.

Dr. Hannis Taylor has been appointed professor of constitutional history and common law of England, and of international private law, at the Columbian University in Washington.

Among other recent appointments are those of Dr. J. W. Garner and Mr. W. L. Fleming as lecturers in history at Columbia University; Dr. H. E. Bolton, formerly of the State Normal School, Milwaukee, as instructor in history at the University of Texas; Mr. F. A. Ogg, instructor in history at the University of Indiana; and Mr. H. E. Wells, professor of history and political science in the Nebraska Wesleyan University.

Part XXIX. of the *Historical Atlas of Modern Europe* contains "Europe at the Time of the Third Crusade," by the editor, Dr. Poole; "Germany, 1815-1897," by C. Grant Robertson; and "Scandinavia in the Thirteenth Century," by W. A. Craigie. Part XXX. has "Germany, 1648-1795," by Mr. Robertson; "India in 1792 and 1845," by Professor Oman; and "South Africa Previous to the Suppression of the Boer Republics," by C. G. Robinson. With these two parts this atlas is completed, and the thirty parts may now be bought either separately or bound together in one volume. The price, in the latter case, has been fixed at thirty-eight dollars and fifty cents.

The Dent-Macmillan series on towns of the Middle Ages has led up to a "Larger Mediæval Town Series." This will contain new works and also notable volumes of the smaller series, the printing will be on larger paper, and the illustrations promise to be more adequate than was formerly possible. The series is opened by Mr. Gardner's *Florence*. Attention may also be directed here to a new work on Siena: *Siena, her History and Art*, by R. L. Douglas (London, Murray).

The appearance of the third part of Dr. W. A. Copinger's *Supplement to Hain's Repertorium Bibliographicum* completes one of the most important bibliographical publications of recent years. The original work included descriptions or mentions of 16,311 works; Dr. Copinger has made approximately 7,000 corrections of or additions to the entries in Hain, and besides has given information on some 6,000 volumes printed in the fifteenth century to which Hain did not refer at all. The third part is devoted largely to an "Index to the Printers and Publishers of the Fifteenth Century, with Lists of their Works," compiled by K. Burger, of Leipzig (London, Sotheran).

A collection entitled "Philosophes du Moyen Âge. Textes et Études" has been inaugurated by M. de Wulf, of Louvain, for the purpose of setting forth some of the foundations of his recently published history of medieval philosophy. The first fascicle contains the text of *De Unitate Formae*, by Giles of Lessines, composed in 1278 (Paris, Picard).

The August number of the *Revue de Synthèse Historique* contains an account of the work done, mainly in the last thirty years, on the history of medieval philosophy: "La Philosophie Médiévale Latine jusqu'au XIV^e Siècle," by H. Delacroix.

Two text-books of medieval history have appeared recently; *The Middle Ages*, being Part I. of *An Introduction to the History of Western Europe*, by James Harvey Robinson (Ginn); and *A History of the Middle Ages*, by Dana C. Munro (Appleton).

Noteworthy articles in periodicals: P. de Puniet, *La Liturgie Baptismale en Gaule avant Charlemagne* (*Revue des Questions Historiques*, October); A. Werminghoff, *Die Fürstenspiegel der Karolingerzeit* (*Historische Vierteljahrschrift*, LXXXIX., 2); E. Blochet, *Les Relations Diplomatiques des Hohenstaufen avec les Sultans d'Égypte* (*Revue Historique*, September); H. Werner, *Ueber den Verfasser und den Geist der sog. Reformation des Kaisers Sigmund* (*Historische Vierteljahrschrift*, October).

MODERN HISTORY.

A volume of the shorter writings of the late Bishop Creighton has been edited by Mrs. Creighton: *Historical Essays and Reviews*. Its historical contents relate mainly to the period of the Renaissance (Macmillan).

The thirteenth volume of the *Recueil des Traittés et Conventions Conclues par la Russie avec les Puissances Étrangères*, by Professor F. de

Studies." The first Fellows comprise forty-nine persons, among whom are Lord Roseberry, Mr. Lecky, Sir Frederick Pollock, Mr. Bryce, Mr. Maitland, Dr. A. W. Ward, Professor Pelham, and Professor William Ramsay.

Professor J. B. Bury of the University of Dublin has been nominated Regius Professor of History at Cambridge.

An important biography of King John, by Miss Kate Norgate, is among the recent publications of Messrs. Macmillan: *John Lackland*.

The thesis sustained at the University of Berlin by Dr. Edwin F. Gay, now instructor at Harvard, deals with the history of enclosures in England: *Zur Geschichte der Einhegungen in England*. It is part of a larger work which appears in Schmoller's "Staats- und socialwissenschaftlichen Forschungen."

The University Studies (Vol. I., 4) of the University of Illinois is devoted to "The Genesis of the Grand Remonstrance from Parliament to King Charles I.," by Professor H. L. Schoolcraft. The conclusion reached is "that the opinion so long held by historians that Mr. Pym was the sole author of the Grand Remonstrance, is a mistaken one. The document really consisted of two parts, written by separate committees. Mr. Fiennes and Sir Henry Vane prepared that part which related to the affairs of the Church; Messrs. Pym, Hampden, Strode, and Culpepper were jointly responsible for that which related to political affairs."

The Historical Manuscripts Commission has issued the first volume of a report upon *The Stuart Papers*, under the editorship of Mr. Blackburne Daniell. These papers, it is recognized, are important especially for their information upon the negotiations which took place between the political parties in England and the exiled Stuarts.

The *Bulletin* of the New York Public Library for September contains matter upon East Indian affairs from 1750 to 1767,—notably a long letter from Clive, dated September 30, 1765,—and some statistics upon revenues.

An interesting picture of English society at the opening of the reign of George III. may be found in *The Diary of a Journey to England in the Years 1761-1762*, written by Count Frederick Kielmansegg and translated by his great-grandson's wife, Countess Kielmansegg (Longmans).

The second volume of Mr. Andrew Lang's *History of Scotland* was published toward the close of the year. It covers the period from 1546 to 1625 (New York, Dodd, Mead and Co.).

The Council of the Scottish History Society has announced its intention of publishing *The Records of the Proceedings of the Justiciary Court*, from January 29, 1661, to the end of 1678, and *The Household Book of Cardinal Beaton*, from 1539 to 1545.

The Macmillan Company has published recently *Politics and Religion, 1550-1695*, 2 vols., a study in Scottish history from the Reformation to the Revolution, by William Law Mathieson.

of late by *Jeanne d'Arc*, edited from the Procès by T. Douglas Murray (London, Heinemann).

The Lavis history of France has just entered upon the second part of Volume IV., in which M. Ch. Petit-Dutaillis writes upon *Charles VII, Louis XI, et les Premières Années de Charles VIII* (Paris, Hachette).

M. Henri Hauser contributes to the November number of the *Revue Historique* an interesting study upon the origins of Mercantilism and Colbertism. Far from attributing the ideas which these terms represent simply to Colbert, he goes back to the period of depression following the religious wars, and more particularly to facts connected with the silk industry of that time at Lyons and Tours: *La Liberté du Commerce et la Liberté du Travail sous Henri IV. Lyon et Tours (1596-1601)*.

The *Revue d'Histoire Moderne et Contemporaine* has begun a series of critical bibliographies relating to different periods of the economic history of France. In the October and November numbers M. Ph. Sagnac deals with the period from the death of Colbert to the Peace of Amiens and of Rastadt: "L'Histoire Économique de la France de 1683 à 1714."

The publishers of the "Archives Religieuses de l'Histoire de France" have begun a similar collection for the seventeenth and eighteenth centuries: "Documents pour Servir à l'Histoire Religieuse des XVII^e et XVIII^e Siècles." In harmony with the intention that this collection shall include principally documents relating to the history of Jansenism, the first volume, which appeared recently under the title of *Rome et la France, la Seconde Phase du Jansénisme*, contains the second part of Thuillier's *Histoire de la Constitution Unigenitus*.

M. Albert Vandal has published, through MM. Plon-Nourrit (Paris), the beginning of an important work upon Napoleon: *L'Avènement de Bonaparte*. In this first part he deals with the genesis of the Consulate, Brumaire, and the Constitution of the year VIII.

Among the most important biographical literature of the past year is a work by Mr. Bernard Mallet: *Mallet du Pan and the French Revolution* (Longmans).

Mention should be made here of a work upon archæology which no doubt will mainly replace the *Dictionnaires* of Viollet-le-Duc: *Manuel d'Archéologie Française*, by C. Enlart. The first volume is devoted entirely to religious architecture (Paris, Picard).

Noteworthy articles in periodicals: A. Degert, *Le Pouvoir Royal en Gascogne sous les Derniers Carolingiens et les Premiers Capétiens* (*Revue des Questions Historiques*, October); A. Cans, *Lettres de M. de Boisgelin, Archevêque d'Aix, à la Comtesse de Gramont, 1776-1789* (*Revue Historique*, July, September, November); E. Kahn, "L'Affaire du Collier" et "La Mort de la Reine," *Critique d'Ouvrages Récents* (*Revue d'Histoire Moderne et Contemporaine*, October); P. Bliard, *Un Club en Province au Début de la Révolution (1791-1793)* (*Revue des Questions Historiques*, October).

from their Organisation. This part covers the middle Atlantic and central states—New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin (New York, The Publishers' Weekly).

A new edition of Alexander Johnston's *History of American Politics*, revised by William M. Sloane and continued by Winthrop More Daniels, has been issued by Messrs. Holt and Company, in their "Handbooks for Students and General Readers."

A new and revised edition of White's *Money and Banking* (Ginn and Co.) has appeared. The intention of the author has been to adapt the book more particularly for use in the class room. With this thought in mind, he has added to each chapter a brief recapitulation and a list of authorities. The historical portions have decided value for the student of American history.

Financial History of the United States, by Davis R. Dewey, forms a new number of the "American Citizen Series" (Longmans).

The Arthur H. Clark Company of Cleveland has begun a series entitled "The Historic Highways of America," by Archer Butler Hulbert. The aim is to set forth the history of America with respect to the evolution of its highways of war, commerce, and social expansion. There are to be sixteen volumes, the last devoted to an index. Two are published so far, *Paths of the Mound-Building Indians* and *Great Game Animals* and *Indian Thoroughfares*; the others are to appear, it is hoped, at the rate of a volume every two months.

The latest number of *Americana Germanica* (IV., 2) contains matter of much interest to students of American history. In a first article on "Three Swabian Journalists and the American Revolution," by J. A. Waltz, of Harvard University, numerous extracts are given from a paper edited by Friedrich Schiller, published at Stuttgart. Also there is a considerable treatment of the oldest relations between American and German universities, especially Göttingen, in an article on the Union of old German Students in America: "Die Vereinigung alter deutscher Studenten in Amerika," by L. Viereck. Finally there is an account of the foundation, constitution, and objects of the German American Historical Society, and a prospectus of the American Ethnographical Survey, with special reference to the Pennsylvania section. The German American Society will aim to be a general body to which all local organizations of similar purpose may attach themselves, and will "make systematic efforts to collect in all parts of the land the evidences of German activity in building the American republic, and thus encourage local research as well as scientific treatment of the material collected." The Ethnographical Survey is designed to give substantial aid toward an "accurate history of the origins and growth of our national civilization and of the contributions made by the different race elements to our life and institutions."

A recent important volume on our shipping industry is of historical as well as practical interest: *American Navigation: The Political His-*

and the Colonization of America.—A. D. 1550-1650." Of special interest in connection with the last branch of the subject is a suit of the year 1624, brought by two seamen against the Plymouth Company. One of the documents used was a long letter from Bradford, which may be found among the documents published in this number of the REVIEW. Among other points in the suit it appears that the ships sent out by the company carried commissions to capture ships.

The August number of the *Revue de Synthèse Historique* contains an article on "L'Origine de la Tolérance aux États-Unis." In it M. Henry Bary traces toleration in America to our colonial religion, and particularly to two features of it which he calls its social and its positive instinct. This article also forms part of a book by M. Bary, just published: *La Religion dans la Société aux États-Unis* (Paris, Colin).

The True History of the American Revolution, by S. G. Fisher, deals with the conduct of the war, its chief figures, and the reasons for its outcome (Philadelphia, Lippincott). Its story of the Revolution purports to differ considerably from the accounts we have had so far.

A recent book by Vicomte de Noailles will be of interest for American as well as French history: *Marins et Soldats Français en Amérique pendant la Guerre de l'Indépendance des États-Unis (1778-1783)* (Paris, Perrin).

Letters of Hugh Earl Percy is a little volume of eighty-eight pages, containing some interesting material for the study of Revolutionary history (Boston, C. E. Goodspeed). A good many of the letters have not been printed before; some of them were found in the library of the present Duke of Northumberland. Percy, it will be remembered, had charge of the brigade which was sent out "to cover the retreat of Grenadeers and Light Infy, on their return from the Expedition to Concord."

Numbers 9 and 10 of the current series of *Johns Hopkins University Studies in History and Political Science* are devoted to a study of Philip Freneau: "The Political Activities of Philip Freneau," by Samuel E. Forman.

In the October number of the *Bulletin* of the Boston Public Library are two series of letters of the Revolutionary period; seven from Colonel William Turner Miller to his wife, from the camp before Boston, 1775, and five from William Bant to John Hancock, 1776 and 1777. The documents of the November number, relating also to the Revolution, comprise confessions of James Roby upon the "raising" of bills of credit, 1776; two letters, one from Henry Knox, one from Nathaniel Appleton; and a committee report on bounties to soldiers and the depreciation of the Continental currency, 1780.

We note the appearance in Paris of a small volume on Franklin: *Benjamin Franklin et la Médecine à la Fin du XVIII^e Siècle*, by Dr. Ch. Tourtourat (Rudeval).

Mr. Joseph Schafer, of the University of Oregon, has written upon

development of two leading principles of modern civilization — freedom of conscience in religion, and the rights of man in politics — Mr. Richman's book will be seen to have a place in the field of general history. There is an introduction by Mr. James Bryce.

In *New Amsterdam and its People: Studies Social and Topographical of the Town under Dutch and early English Rule*, Mr. J. H. Innes aims to give a picture of the actual conditions which prevailed in New Amsterdam a decade or so before the surrender to the English (Scribner).

The fifth volume of the *Publications* of the Buffalo Historical Society contains much new material bearing upon the War of 1812 and upon American internal development. We note especially the correspondence and orders of Major-General Amos Hall, relating to the militia service of 1813-1814; the reminiscences of Judge Samuel Wilkeson, covering the period 1784-1822 and dealing chiefly with pioneer life in western Pennsylvania and Ohio; a group of papers concerning early traffic on the Great Lakes; and papers relating to Niagara Falls. There is also an annotated bibliography of the Upper Canada Rebellion. The volume is edited by the secretary of the society, Mr. Frank H. Severance, and is published at Buffalo by the society.

The *Pennsylvania Magazine of History and Biography* for October contains notably, besides continuations, "The Capture of Stony Point," by Samuel W. Pennypacker, and "Interesting Letters of George Moran and Aaron Burr," by G. D. W. Vroom.

The September number of the *Records* of the American Catholic Historical Society of Philadelphia contains mainly, aside from continuations, "Sketch of the Life of Professor William Augustine Newland, Last of the Old-time Philadelphia Catholic Organists, 1813-1891," by F. X. Reuss.

The *South Atlantic Quarterly* for October—an excellent number—contains several articles of interest to students of American history: "The Reign of Passion;" "The Principle of Neutralization Applied to Canals," by J. H. Latané; "The Principle of Instructing United States Senators," by W. E. Dodd; "The South and Service Pension Laws," by W. H. Glasson; "William Lowndes," contemporary and friend of Calhoun, by Fannie White Carr; and "How a Young Man Built up History in Mississippi," referring to Dr. Franklin L. Riley, of the University of Mississippi.

The *Publications of the Southern History Association* contains, in the September and November numbers, material entitled "General Sumter and his Neighbors," by Kate Furman; and begins, in the November number, "A Southern Sulky Ride in 1837."

The latest issue in the *Publications* of the American Economic Association should be of considerable interest for the economic and social history of the South: "The Negro in Africa and America," by Joseph A. Tillinghast. The writer brings together two lines of investigation hith-

first article on "Madison County," by J. G. Cisco; and "Roberts Papers," relating to the military service of General Isaac Roberts, a pioneer of middle Tennessee. The July number continues "Records of the Cumberland Association," and both the July and October numbers have farther installments of "Sketches and Anecdotes of the Family of Brown," and Rev. J. B. Morris's translation of "Select Documents."

A society for the study of the history of the Tennessee valley, to be known as the Tennessee Valley Historical Society, was organized at a meeting in Huntsville, Alabama, September 3. The secretary, Mr. Oliver D. Street, of Gunterville, Alabama, intends to publish in book form the proceedings and papers of this meeting.

Recent publications of interest for Southern history include a *History of Guilford County, North Carolina*, by Sallie W. Stockard (published by the author, Greensboro, North Carolina).

The South Carolina Historical Society published, in the third volume of its *Collections* (1859), the journal of the Second Council of Safety of the Revolutionary party in South Carolina to February 26, 1776. It begins now, in the October number of the *South Carolina Historical and Genealogical Magazine*, a series of "Papers of the Second Council of Safety," relating to November 1775-March 1776. In the same number of the *Magazine* are: "Officers of the South Carolina Regiment in the Cherokee War, 1760-61"; a continuation from the July number of "Letters from John Henry Laurens to his son John, 1773-1776"; and "Capt. John Colcock and Some of his Descendants," by A. S. Salley, Jr.

The *Gulf States Historical Magazine* publishes in its September number seven letters from Calhoun, of the years 1818-1821, and all addressed to Charles Tait, senator from Georgia from 1809 to 1819. The same number of this review contains "The Confederate Submarine Torpedo Boat Hunley," by W. A. Alexander; "The Fisher Family," by the editor, Thomas M. Owen; and "The Churches of Alabama during the Civil War and Reconstruction," by Walter L. Fleming (a reprint of his article which Mr. Fleming sent to the REVIEW contains numerous corrections). The October number contains, with other matter, "The Continuity of Constitutional Government in Mexico under President Juarez," by Clarence Ousley; "Louisiana History in Government Documents," by William Beer; "How the News of the Assassination of President Lincoln was Received by the Confederate Prisoners on Johnson's Island," by J. W. Inzer; and "The Ross Family," by Mr. Owen.

The study of state boundaries makes progress now and then; we note at this time an article on a boundary of national as well as state interest: "The Southwest Boundary of Texas," by I. J. Cox, in the October number of the *Quarterly of the Texas State Historical Association*. The question is treated especially from a Spanish and Mexican point of view. This number of the *Quarterly* has also: "Some Materials for Southwestern History in the Archivo General de Mexico," by H. E. Bolton; "Reminiscences of C. C. Cox"; "An Account of the Battle of San

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The
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THE MEETING OF THE AMERICAN HISTORICAL
ASSOCIATION AT PHILADELPHIA

THE eighteenth annual meeting of the American Historical Association was held at Philadelphia, December 26, 27, 29, and 30, 1902. It was in all respects successful and satisfactory. Many members were in attendance, the programme was excellent, and there was everywhere indication of the great activity and vitality of the Association, and of the work it is doing for the promotion of historical scholarship in America. The meeting deserves no less strong an adjective than inspiring. It showed how thoroughly the historical work of the country is organized, and how much the task of the individual investigator and teacher is lightened and his efficiency improved by the generous criticism and thoughtful suggestion of others. In the best sense of the word, American scholars are to-day writing history by the coöperative method; one does not seek to supplant the other, but to supplement his labors and to give him encouragement and help. The acquaintanceship and good fellowship which are produced by the meetings of the Association are in consequence much more than merely pleasant and agreeable; they are a distinct aid to the upbuilding of sound historical scholarship. Moreover, one could not listen to the papers that were read without being impressed also with the great amount of thoroughly scientific work that is now being carried forward. The materials of foreign as well as of American archives and libraries are profitably and sanely used to an extent until recently quite unknown. The various commissions and boards of the Association showed by their reports that they are earnestly and industriously doing their part for the classification and collection of material, for the publication of papers, and in the fulfilment of other plans which

did not present a separate programme; there has been a growing feeling that there is no especial reason for separation, and that the cause of church history, as well as of secular history, is not materially advanced by segregation. If topics in church history are treated thoroughly and scientifically, there is no ground for their exclusion from the general programme. It might be well to say, however, that the existence of a separate Church History Section did not come about by a cleavage of the Association, but was due to the affiliation, some seven years ago, of a separate society with the Association.

One session of this meeting was given up to the consideration of topics in diplomacy and diplomatic history, and those especially interested have taken into consideration the formation of a distinct section in which matters of diplomatic history and current problems of international law may be discussed. There may be difference of opinion as to whether there is good ground for taking such a step, but it may be argued that it is distinctly worth while for members who are paying attention to such subjects to gather together and to give some thought to the preparation of papers; and, however this may be, there is such obvious community of interest that to organize in connection with the Historical Association certainly seems better than to establish a separate society.

The first evening, Friday, a joint session was held with the American Economic Association at Drexel Institute. Mr. Joseph Wharton presided and welcomed the Associations. Captain A. T. Mahan, president of the Historical Association, discussed the subject of Subordination in Historical Treatment. He passed rapidly over certain fundamental but well-recognized attainments of every successful historical writer, such as thoroughness and accuracy of knowledge, intimate acquaintance with innumerable facts, and mastery of the sources of evidence; he referred only in a few words to the need of sound judgment and critical faculty in the discovery of isolated truth and in the estimation of particular facts. He dwelt at length on the necessity of organization of material, on the need of interpretation that brings out the essence of a subject. Knowledge acquired by faithful, rigid, acute examination of witnesses, and by the sifting of evidence is the material with which the historian has to deal, out of which he has to build up an artistic creation which is much more than a bundle of ascertained facts, however undeniable each individual assertion may be. To present numerous related truths so as to convey an impression which will be *the* truth is the difficult task of the writer of real history, the chief

days, and gave an interesting description of slavery and white servitude of the time. Dr. James Sullivan in a paper entitled *The Antecedents of the Declaration of Independence* sought to show where the main philosophical assertions of the Declaration had previously appeared in earlier writings. He did not seek to trace out in detail the modern compact philosophy with which Jefferson was imbued, nor to mark out the connection between the theories of Jefferson and those of the English philosophers of the seventeenth century. He confined his attention to ancient writers, bringing out the fact that Protagoras the Sophist in the fifth century B. C. had put forth the compact theory of the state, that Socrates had spoken of natural law, that Aristotle and Plato referred to fundamental laws to which formal laws should conform in spirit, and that by the beginning of the fifth century A. D. all of the important principles of the Declaration had been enunciated. The notion that there is a compact to obey kings appears in the writings of St. Augustine, where may also be found the thought that consent is the basis of government, and that obedience to bad laws can be refused. The influence of Augustine through the Middle Ages serves to connect the ideas of the ancient world with the philosophers whose thinking was more directly felt by the Revolutionary fathers.

Professor J. Franklin Jameson, of the University of Chicago, read a valuable paper on *Letters from the Federal Convention of 1787*, which will prove helpful to those who are seeking to understand the work of the Convention. These letters supplement the official journal, and the accounts of the debates given by Madison and others. The writers occasionally naively disregarded their obligations of secrecy and disclosed to their correspondents in some measure the character of the discussions that were in progress. By the study of these papers some additional light is gained on such important matters as the great controversy between the large and the small state parties. It is Professor Jameson's intention to publish in the *Report* of the Association other studies in the work of the Philadelphia Convention; among other things he will prove that we have no accurate text of any of the various plans that were introduced, and will show how the contents of these plans can be more fully determined by a comparative study of the journals and letters from the Convention.

Professor William MacDonald, of Brown University, read a paper on *A Neglected Point of View in American Colonial History*. He declared that in spite of the great activity in publication and investigation there obtains still a natural tendency to dwell on

tion that came, late in the day, from Washington. Four facts, he said, were to be considered : the situation in Mexico, where it was plain that there was not the acquiescence in the rule of Maximilian that Napoleon had hoped for ; such dissatisfaction in France, not only with the expense of Mexican conquest, but with several aspects of imperial plans and methods of administration, that there could be no reliance on the continuing support of the people ; the disturbing conditions in Europe, where Bismarck's strong hand was already visible, indicating the desirability of France's husbanding her resources and concentrating her energies rather than seeking distinction beyond the sea ; and lastly, the attitude of the United States, which must be considered only as a contributing cause for the abandonment of the somewhat quixotic enterprise. The first alarming note was sent to Mr. Bigelow, the American minister in Paris, November 6, 1865, when Napoleon was already under great pressure ; and when the later threatening communications were sent by Seward the difficulty of retaining the army in Mexico was already nearly if not quite sufficient to determine the policy of the French government. By wise and judicious delay and by objecting at the critical moment Seward satisfied the demands of the people of this country, and yet took no serious risk of bringing on war with France. It may be said that, while this interpretation is less gratifying to American pride than is the usual interpretation, it does not detract from the wisdom of Seward's diplomacy.

The meeting of Saturday evening, at which Mr. Gregory B. Keen, librarian of the Historical Society of Pennsylvania, presided, was held in the rooms of that society, which are admirably adapted for the purpose. The first speaker was the Honorable James Breck Perkins, who discussed at some length the history of the French Parliaments. He spoke of the character and constitution of this body, and especially of the continuing controversy, which lasted with varying intensity for centuries, between the king and Parliament as to the right or the duty of the judges to register the ordinances of the king ; this was a central line of constitutional history until the Revolution. Mr. William B. Weeden, in a paper on *The Art of Weaving, a Handmaid of Civilization*, aimed not to give a technical history, but to show how one of the humblest and most domestic arts has grown out of man's experience and his contest with nature. Prehistoric as well as historic materials were freely used, and the gradual development of the upright loom among simple peoples was illustrated by outline drawings. He likewise spoke of the great variety of human mo-

After luncheon in Houston Hall a short session was held, in which only one paper was read. It was by Professor James A. Woodburn, of Indiana University, on Party Politics in Indiana during the Civil War, a valuable treatment of an important subject. It dealt chiefly with the character of party opposition to the Lincoln administration. The "War Democrats" sought to bring about a cessation of party strife and to aid the vigorous prosecution of the war. The "Copperheads," as the Republicans contemptuously termed the extreme peace-party, were factious in their opposition, preferring the triumph of the Confederacy to the preservation of the Union by force. The main body of the Democrats in the state became almost exclusively a party of negation and obstruction, antagonizing Lincoln's conduct of the war, especially at all points where it seemed that the work of the administration might make for emancipation; they were a party of conciliation and compromise in the interest of slavery, a party of antipathy toward abolition and toward New England as the nest of abolition heresies, a party of traditional dissatisfaction with the tariff, of attachment to abstract principles concerning constitutional right and the rights of the individual against arbitrary government. The strange and fantastic proposal for the preservation of the Union by ending the war, involving as it did the formation of a Union party in the south able to suppress secession and to bring about a peaceable settlement between the sections, was almost the only constructive proposition put forth during the course of the war. Mr. Woodburn's entire paper, which will be published in the *Annual Report* of the Association, will discuss the struggle between Governor Morton and the Peace Legislature of 1863, the secret political orders of the state, arbitrary arrests, and treason trials, and will close with a brief consideration of the Milligan case.

At the second joint session with the Economic Association, which was held in Griffith Hall, Provost Harrison presided. The subject of Currency Problems in the Orient was discussed by Professor Jeremiah W. Jenks, of Cornell University, who was followed by Mr. Charles A. Conant, Mr. G. Bruce Webster, and Mr. Horace White. The article by Judge Simeon E. Baldwin which appears in the present number of the *REVIEW* was read at this session, an interesting treatment of what might seem at first an arid topic.

Tuesday morning was given up to subjects in diplomatic history, especially those suggested by the proposed Isthmian canal. The meeting was held in the rooms of the American Philosophical Society. Mr. Hiram Bingham, Jr., read an interesting account of the Scots

he became President. In 1823, after issuing his message, he sent one of his closest friends on a secret mission to watch the Holy Alliance. Dr. Callahan also gave a sketch of our relations with Central America from 1822 down to the end of the Civil War. It is noteworthy that in the time of Buchanan one of our prominent diplomats proposed in a long dispatch that the United States should enter into treaties of alliance with the Spanish-American republics on the basis of the Monroe doctrine and non-expansion toward the south. It is plain that during the Civil War Central America, fearing European intrusion and the possible encroachment of the filibusters, favored the cause of the north and Union, and became more and more friendly with the authorities at Washington.

Professor Theodore S. Woolsey was not present, and his paper was therefore read by Mr. J. B. Henderson, Jr., who had been largely responsible for the preparation of the programme for this session. The paper presented a parallel between the problems of the Suez Canal and those presented by the Panama Canal. The new canal, like the older one, would effect a change in the world's trade routes, and the courses of both canals lie within the limits of states themselves too poor and too weak to act as protectors. They will inevitably bring up political and military questions of similar import; they are alike in the early application of principles of neutralization by general guaranty and in the later substitution of national for international guaranty. Moreover, Professor Woolsey prophesied that as England has strengthened her hold upon Egypt to control Suez, so the United States, forced to protect the canal, is likely to acquire a certain political authority in Central America and to assume large responsibility for the conduct of the United States of Colombia. After the formal papers, Mr. J. G. Rosengarten, of Philadelphia, spoke entertainingly of the history of the American Philosophical Society from the time of its foundation by Franklin, one hundred fifty years ago, and of the valuable manuscript materials in the vaults of the society, not the least important being the original journals of the Lewis and Clark expedition, an exact transcription of which is soon to be published.

At the Washington meeting the members that were present from the south held an informal gathering and appointed a committee to investigate the status of historical study and teaching in the southern states, and to make a report at the Philadelphia meeting. This committee, of which Professor Frederick W. Moore was chairman, after a careful examination of more than sixty degree-conferring institutions, reported to the group of Southern members in

all, in spite of the different elements that seem to be coming together, there is no great danger of disruption of the larger body. History, it may safely be said, is a commanding subject, and is not likely to be subordinated to other studies, while the capacity for organization and progress shown by its course in the past seems to prove the Association competent for solving the problems which its very advancement and success have brought in their train, and for working out the completer system which development and increasing interest may demand.

The report of the treasurer was as gratifying as usual, a tribute to the excellent management of Dr. Bowen. The assets of the Association were given at \$20,497.21, an increase during the year of \$6,019.56, of which \$4,953 came from the legacy left by Dr. Herbert B. Adams. The total membership of the Association is now not far from nineteen hundred. The most important new enterprise undertaken by the Association was a plan for securing the publication of a series of reprints of valuable early American narratives. This plan was approved by the Council and favored by the Association. Its adoption was coupled with the proviso that it should be expressly stipulated in any contract with the publishers that the Association should not be committed to purchasing any of the books or to giving any pecuniary aid to the enterprise. To carry the plan into operation a committee was provided for, whose duty it should be to secure a general editor and to give him such instructions as should define the relations of the Association to the undertaking and protect its interests. Professors George B. Adams, Albert Bushnell Hart, and George L. Burr were appointed as such committee; they subsequently chose Professor J. Franklin Jameson as general editor. The Historical Manuscripts Commission, through its chairman, Professor E. G. Bourne, reported that it was preparing for publication the diary of Salmon Portland Chase from July 21, 1862, to October 12, 1862, and the letters received by Secretary Chase in the years 1862-1865 from George S. Denison, collector of internal revenue in New Orleans. The letters are of considerable significance in their disclosure of actual conditions in Louisiana after the occupation by the northern army. It will also print about fifty letters of Mr. Chase to E. S. Hamlin, of Cleveland, Ohio, covering the years 1848-1860, and a selection of the letters received by Mr. Chase from prominent public men, mainly during the Civil War. The Commission further reported that Professor Frederick J. Turner is engaged in preparing for the printer the correspondence sent to the home government by Genet, Adet, and Fouchet, French ministers to this country in Washington's administration. Professor William

A. Howard Clark, Professor Charles H. Haskins, Dr. Clarence W. Bowen, and Professor Samuel M. Jackson were reëlected to the positions they had held during the preceding year; Professors George L. Burr and Edward P. Cheyney were chosen as members of the Council in place of Professor William A. Dunning and Mr. Peter White, who have served three years. Below is given a list of the officers of the Association, and also the membership of the commissions and committees, whose members are appointed by the Council.

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The reaction against the ideal calm of this Germanic dispensation began in the seventies. Fustel de Coulanges in a work¹ published shortly after the Franco-Prussian War sounded the first note of controversy. But his doctrine was so generally opposed that he undertook to develop it in greater detail in a series of volumes, the completion of which was destined to be entrusted to the pious labors of his disciple M. Camille Jullian.² In America and England, meanwhile, Mr. Denman Ross³ and Mr. Seeböhm⁴ were working along the same critical lines marked out by Fustel. In 1885 Fustel dealt searchingly with the mark in an essay which may fairly be held to have relegated that institution to the limbo of unwarranted hypothesis.⁵ In 1891 Professor Ashley ranged himself under the banner of Fustel.⁶ These writers have been described, in contrast to their Germanistic predecessors, as a Romanist school, and this is just in so far as they all ascribe a certain importance to the influence of Roman elements in the formation of medieval institutions. But their common bond and their great contribution lies rather in the rigor and sanity of their critical method. The enduring part of their work, it is coming to be seen, has been destructive. They have dissipated errors such as the mark, and everywhere they have imposed caution and suggested doubts of hypotheses that were fast hardening into axioms. On the constructive side, they share an opposition to the doctrine of primitive German democracy, tending instead to represent early German society as aristocratic in its structure and to attach great importance to the survival and influence of Roman institutions in the lands conquered by the Germans. In this regard it is necessary to make due allowance for the reaction against the earlier and exclusively Germanistic doctrine.⁷ The attempts, for example, to show that the early Germans knew full ownership in severalty or to derive the English manor direct from the Roman *villa* have not in the long run proved successful.

In the last decade of the last century the pendulum began to swing back again toward primitive freedom, though not indeed to-

¹ *Histoire des Institutions Politiques de l'Ancienne France* (1875).

² 6 vols., 1888-1892. The work retains the same general title, but each volume has also a title of its own. The first and second volumes appeared in M. Fustel's lifetime.

³ *Early History of Landholding among the Germans* (Boston, 1883).

⁴ *The English Village Community* (London, 1883).

⁵ "De la Marche Germanique," in *Recherches sur quelques Problèmes d'Histoire*.

⁶ *The Origin of Property in Land*, translated from Fustel's essay in *Revue des Questions Historiques*, April, 1889, by Mrs. Ashley, with a valuable introduction by Professor W. J. Ashley (London, 1891; 2d ed., 1892).

⁷ This whole question, it will be remembered, had been raised in the eighteenth century for the purpose of justifying the privileges of the noblesse in France. See Boulainvilliers, *Histoire de l'Ancien Gouvernement de la France* (1727), and Dubos, *Histoire Critique de l'Établissement de la Monarchie Française dans les Gaules* (1734).

in the Middle Ages.¹ The first volume of this work is devoted to the Roman and German elements in the development of the medieval estate and village community, and it provides a synthetic treatment of the whole subject which is of distinct value.

In harmony with the prevailing mental attitude, which moves men to look for truth on both sides of a controversy, Professor Kovalevsky offers a compromise. The problem, manifestly, is not so simple as it used to be. To assign an exclusively German or an exclusively Roman origin to all medieval institutions connected with the ownership or occupation of land is no longer possible. Such institutions are seen to be the result of a mingling of Roman and German elements. The nature of these elements, the proportion of their commixture, the forces that served to fuse the mass, these are the questions with which Professor Kovalevsky deals. It is the purpose of the present paper to pass in review some of the main points of his system with occasional comment or criticism.

From the foundation of the Principate until the end of the Western Empire, the Roman estate underwent various changes in respect to its outward form as well as its internal economy. It is important to realize that the *villa* of the age of Augustus differed in many ways from the *villa* of the age of Augustulus, for some writers, notably Fustel de Coulanges, have assumed that they were the same. At the earlier period a considerable number of free proprietors of small and medium-sized estates existed side by side with the rich owners of large estates cultivated mostly by servile labor. In the course of four centuries the great estate, absorbing those of small and of moderate size and reducing their proprietors to dependence, appears as the prevailing type of landholding in the Italian peninsula. This change was due to the working of several economic forces. The provinces, burdened with a heavy land-tax, applied themselves to more intensive forms of agriculture and began to export corn. The small proprietor in Italy found himself unable to compete with this influx of cheap provincial corn, on the one hand, and with the servile labor employed by the owners of great estates, on the other. Accordingly he drifted into debt and from debt into dependence, his farm going to round out the estate of his more fortunate neighbor. Then later the Church comes forward as a landlord on a large scale, building up great estates partly by gift or bequest, partly by bringing new land under cultivation.

¹ *Die ökonomische Entwicklung Europas bis zum Beginn der kapitalistischen Wirtschaftsform.* Mit Genehmigung des Verfassers aus dem Russischen übersetzt von L. Motzkin. In 6 Bdn. (Bd. I., Berlin, 1901.)

region, for the rest, abounding in forest and marsh.¹ There was, therefore, plenty of room for hunting and grazing, and no occasion to turn from these congenial occupations to the difficult task of agriculture, and where that was attempted it would be in coöperation. Under conditions of this sort there would be little or no economic development.²

The life of a Germanic folk (*civitas*) would be centered in some kind of a fortified place surrounded by waste or forest in which, when occasion demanded, men and cattle alike could find refuge.³ The arable land would naturally be situated far from such a center. The folk itself would be composed of a number of clans (*gens*, *Geschlecht*) themselves consisting of families (*cognatio*, *domus*). These last, however, are not the small family of modern times, but the house communion, a large, impartible family occupying and cultivating land in common.

This arrangement of clans and families is the keystone of M. Kovalevsky's system as far as the Germans are concerned; but he has unfortunately left it somewhat vague. By the clan he seems to understand that kinship-group known to the German legal historians as the *Sippe*. Now there is no doubt that in the time of Tacitus kinship was traced through the mother as well as through the father, for maternal uncles were called to the inheritance.⁴ It will be seen, then, that the clan would be a shifting body differing for all persons who did not happen to be the children of common parents, and incapable accordingly of having a local habitation.⁵ M. Kovalevsky does not meet this difficulty, but is content to describe the clans as close associations of relatives dwelling in common, "*gentes . . . qui una coierunt*." Still, in view of the brilliant suggestions afforded by Mr. Seebohm's recent works,⁶ the matter cannot be dismissed lightly. For the house communion the principle of cohesion is double, consisting of the exclusion of women from the in-

¹ Kovalevsky assumes the general scantiness of population without defining the extent of Germania, and relying for the nature of the country on the Hessian material brought together by Arnold, *Ansiedelungen und Wanderungen Deutscher Stämme*. On the boundaries of Germania given above see Meitzen, *Siedelung und Agrarwesen*, etc., I. 33-42; on the population, Delbrück, in *Preussische Jahrbücher*, 1895. Cf. W. H. Stevenson, in *English Historical Review*, XVII. 626.

² For a brilliant, if somewhat erratic treatment of this aspect of the subject see Seeck, *Untergang der antiken Welt*, I. 179-221, a work which M. Kovalevsky seems to have neglected.

³ In confirmation of this view see Müllenhoff, *Deutsche Altertumskunde*, IV. 282.

⁴ Tacitus, *Germania*, cap. 20.

⁵ See this point well brought out in Heusler, *Institutionen des Deutschen Privatrechts*, I. 258-262; Maitland, *Domesday Book and Beyond*, 349; Pollock and Maitland, *History of English Law* (1st ed.), II. 237-245; cf. below note.

⁶ *The Tribal System in Wales* (1895); *Tribal Custom in Anglo-Saxon Law* (1902).

Thus at the close of the first century of our era the Germans, thinly scattered over a wooded and marshy country, lived mainly by hunting and grazing. Their tribal organization, their primitive rural economy, and the abundance of land, all conspired to postpone until a later period any questions about ownership. But an increase in population, and the greater attention paid to agriculture in consequence, was destined soon to raise that question.

The way being prepared by an examination of Roman and early German conditions, we are presented with a formula that is designed to solve the problem of the origin of property among all the German peoples. It may be somewhat baldly stated as follows: the primitive Germans knew no ownership of land, only free occupation conditioned by tribal-family organization. But when they received royalty and the Church they were brought into contact with new ideas which kings and clergy, for reasons of their own, had drawn from Roman sources. The kings as successors of the Roman fisc in conquered provinces, and the clergy seeking an endowment for the Church introduced among the Germans the idea of the perpetual appropriation of land to the exclusive use and disposition of individuals or corporations. For a time this system and the elder Germanic arrangement of family occupation with no question of ownership existed side by side. The task is now to bring into this frame what we know or have inferred about the land systems of the various Germanic peoples who settled in, or were influenced by the Roman Christian Empire.

The Lex Salica and the capitularies connected with it as the eldest monuments of Germanic law¹ are to be considered first. These are not to be studied in isolation or interpreted by themselves. They should be brought, rather, into relation with what we know of the environment under which they came into being. The sparseness of population, the predominance of the pastoral life, the lack of sharp economic and social contrasts, as in wealth and status, the progressive absorption of, or fusion with the Roman provincials in Gaul, are facts which must be considered in interpreting the Lex Salica. It will be necessary to show that the Franks at the close of the fifth century were living under essentially the same legal and economic conditions as the early Germans, free occupation, namely, by family groups now fastened to the soil in villages, lordless, it is true, but not necessarily either self-governing or land-owning. To do this at all, two points will have to be established:

¹ Euric's laws are probably older than any form of the Lex Salica that we possess, but in Euric's time the Visigoths had been for more than a century under the direct influence of Roman civilization. See Schröder, *Lehrbuch der deutschen Rechtsgeschichte* (3d ed.), 233, and the literature there cited.

settlement.¹ Here again Mr. Seebohm tends to reach the same result by a different path, suggesting that the objectionable intrusion was not so much that of a new member of the community as of a new idea, individual appropriation.²

These conditions, it seems, were transitional. With a growing population and an increasing interest in agriculture this system of free occupation might pass into one of common occupation, and eventually perhaps common ownership, or it might dissolve into private ownership, or these forms might coexist in varying proportions; all would depend upon the environment. As it happened, the environment of the Frankish conquerors of northern Gaul furnished a strong solvent for the old system of free family occupation. First there was the king already, as heir to the Roman fisc, a great proprietor in the Roman sense, and authorized under certain conditions, as where a crime had occasioned forfeiture, to take the place of a dead man's kindred and put the idea of individualism into direct competition with that of family possession. Then, too, fiscal lands were granted to the Church and to private persons, who were holding them just as the great Roman estates had been held. The Church, finally, was concerned to spread the idea that title might be acquired by prescription, and found a response in the common human instinct toward the hereditary transmission of property.

Thus the primitive German system transplanted into Gaul began to unfold, and at the crisis of its development was given an impulse that sent it in the direction of individualism. This impulse came originally from Rome and was transmitted to the Germans by two institutions to them relatively new, namely, the Church and royalty.

The transition from the common occupation of land in the Lex Salica to the private ownership of the Folk Law of the Carolingian period may be illustrated from the Lex Ribuaria. Take, for example, the alienation of land. By the elaborate process of *affatomia*³ a childless couple could convey their personalty (*fortuna*) to a stranger, but they were forced to adopt him and convey the property at once. A capitulary of A. D. 819 assimilated this clumsy method, half-way between adoption and testament, to the *traditio*⁴ of that time, which was commonly used in connection with realty. Between these extremes stands that title of the Lex Ribuaria⁵ which

¹ *Ibid.*, title XLV. See the literature cited in Schröder, *Lehrbuch der Deutschen Rechtsgeschichte* (3d ed.), 205-206. Fustel's explanation (*Revue Générale du Droit*, 1886) has been accepted by Hildebrand, *Recht und Sitte*, etc.

² *Tribal Custom in Anglo-Saxon Law*, 150-163.

³ Lex Salica, title XLVI.

⁴ Capit. Leg. Sal. add. an. 819, c. 10 (ed. Boretius ap. Behrend, *Lex Sal.*, p. 115).

⁵ Lex Ribuaria, title XLVIII. (ed. Sohm, *M.G.H.*, LL., V.).

were willing to take over part of the burden of taxation. In this way the Burgundians received two-thirds of the land and one-third of the *coloni*, and proceeded to settle in communities (*faræ*) composed in all probability of groups of kinsmen.

But this land had come as the direct gift of the Empire. It is not surprising, therefore, that when under King Gundobad (474–516) the Burgundian law was written down many norms of the Roman land law found their way into it. Thus the Burgundian Folk Law, as we have it, allows free disposition of property in immovables, and gives legal protection to such disposition. Still, traces of earlier conditions may be found in the common occupation of mountain, forest, and pasture-land. Then the single formulary of Burgundian origin that we have, the *Collectio Flaviniacensis*, shows the triple division of landed property into *alod* (inheritance), *adtractum* (clearing), and *comparatum* (purchase) which we have already met with among the Franks. The Burgundian kings also had fiscal lands from which grants could be made. Finally, the *alod* held under the Romanized Burgundian law was a much less restricted form of ownership than the *terra aviatica* of Frankland.

In dealing with the Visigoths, we must consider first the influence of their long sojourn in the Empire before they were permitted to make permanent settlements in Gaul and Spain, and then the twofold division of their law itself. The *Antiqua*, whether made by Euric (486) or Reccared (586), is a record of Visigothic law at a time when the Visigoths were separated from the Romans by a difference in creed and by the existence of a code of Roman law—the Breviary of Alaric—intended to be observed in the Visigothic kingdom. Under Recceswinth (649–672) these distinctions had vanished and his law-book, therefore, illustrates different and later conditions.

As in the case of the Burgundians, the nature of the Visigothic settlement, and the strong infusion of Roman civilization to which they had been subjected have obliterated most of the Germanic traits of their land laws, even in the *Antiqua*. The idea of private ownership is already well developed. Land may be alienated either by document or by witnesses, and freely devised; sisters inherit with brothers, and wife from husband or husband from wife, failing heirs to the seventh degree. As for Recceswinth's book and the formularies which illustrate the legal practice of the time, they are in substance, although retaining some Germanic qualities, royal and Roman law respectively.

The nature and organization of the proprietary estate from the time of the Frank settlement in Gaul to the fall of the Carolingian

coaration, indeed, was confined to the demesne, and even there it was not the general rule. The peasants worked their own land with a light plow drawn by a single yoke of oxen. Thus the number of beasts a peasant could contribute to the common team was determined by the size of his holding and not, as Seeböhm argued, contrariwise.

It will be seen, then, that the personal dependence of the eighth century had not been stereotyped into a system of caste. No hard and fast line could be drawn between free owners and unfree tenants. The whole complex consisted rather of many elements, free and unfree, having Germanic as well as Roman origins.

The evidence of the Alamannian laws and documents has next to be considered. It should be remarked that the Roman population by no means disappeared in the region appropriated by the Alamanni. In the ancient Rhætia, particularly, the survival was very considerable. In the *Lex*, or later recension of the Alamannian law, accordingly, both Roman and Christian influences may be discerned. The latter were reinforced by the subjection of the Alamanni (496) to the Christian Franks.

This ecclesiastical influence shows itself in the *Lex* in several provisions tending to individualize the ownership of land and so to facilitate its conveyance to the Church. All opposition to land grants in favor of the Church is forbidden, and in order to promote such grants the law directs that family inheritances be divided among the heirs. Again, it is provided that where the right to land was questioned, title must be defended by the production of written documents, a way, of course, not open to those who were holding under Folk Law.

The classification of ownership according to its origin into *alod* (inheritance), *adtractum* (clearing), and *conquisitum* (grant) recurs in the *Lex* and in the Alamannian documents.¹ The Church, clearly, is largely, if not wholly, responsible for the existence of the third of these categories. Now if the responsibility for the second can be fastened on the Roman law, and if it can be shown that the limited ownership of the *alod* grew out of a primitive family possession, passing, as the family tie loosened under the play of new forces, into some form of individual ownership, then an important step will have been taken toward the establishment of Professor Kovalévsky's thesis. The attempt is gallantly made, but is not, I think, altogether successful.

¹ These are to be found in Wartmann's collection, *Urkundenbuch der Abtei St. Gallen*, 4 Th. Zürich, St. Gallen, 1863-1892.

ily or household. But in the course of the seventh century, under the influence of family divisions, the clan gave way to the family in relation to the arable, retaining, however, its control over all the remaining land of the settlement. Then the fusion of the two races, the introduction of the Rhæto-Roman into the rank of possessors, some as owners, but the majority as *coloni*, tends to loosen the kinship bond. The clan-group of kinsmen becomes the mark-group of *vicini*, without losing, however, the common use of all but the arable lands of the settlement.

But this mark community of the ninth and tenth centuries lacked that internal equality upon which von Maurer and his school laid such emphasis. There was, on the contrary, a small number of free proprietors holding "ideal shares" of the mark land while a crowd of dependents enjoyed a usufruct of these lands deriving from the *jus* of their several lords. This "ideal share" was capable of realization as soon as the Germanic law under which it was held had been sufficiently subjected to Roman influences. The great proprietary estate rose rapidly on such a foundation to realize the ambition of a land-hungry Church and aristocracy. Grants of immunity from the central power were converted by the beneficiaries into local jurisdiction. The voluntary assumption of a dependent relation by freemen burdened with fiscal and military obligations, or embarrassed by failure of crops and famine, increased the number of justiciables. In this fashion from above and from below the process was hastened. Thus the old thriftless communal system gave way to the more profitable rural economy known to the Roman law and practised by the Church. But the resulting economic advantage was attained only at the cost of a serious restriction of personal freedom.

The conditions under which, at this period, land was held in the Italian peninsula must be considered next. Here the influence of the successive Germanic occupations upon the Roman agrarian system turns out to be even more insignificant and external than has generally been supposed. The Ostrogoths frequently contented themselves with a division of the produce rather than of the land. In the Exarchate, where the imperial tradition survived longer than in any other part of northern Italy, and immediately about Rome, where much land was held by churches, living Roman law, the old conditions, even the old terminology survived with very little change.

if Mr. Seebohm's distinction between the land-occupying and blood-feud groups be accepted. On the subject of the clan cf. Jenks, *Law and Politics in the Middle Ages*, chs. III., V., VI.; Ashley, *Surveys*, 144-146.

by Schupfer¹ but without much success, and has recently been rejected by Professor Vinogradoff.² Professor Kovalevsky holds the view of Schupfer, which may be supported, he thinks, by new arguments. The communities in question were formed, he supposes, by settlements on unoccupied land. These would be taken up at first on hereditary leases and would pass, either insensibly or by direct purchase, into the ownership of the community.³

The question of land-owning among the Anglo-Saxons, as having an especial interest for English and American students, may be allowed to detain us at some length. It can no longer be said that the Anglo-Saxon conquest made *tabula rasa* on which the conquerors wrote a purely Germanic constitution. Nor, on the other hand, can any general survival of Roman institutions be proved. Due allowance must be made for both elements. Since our authorities do not mention any division of land between the conquerors and the conquered, it may be inferred that none took place, particularly as there is reason to believe that a great part of Britain was still uncultivated. The country was not covered with a network of estates worked on the three-field system. It may be inferred rather that most of the land was cultivated on the extensive two-field system as late as Ine's time.⁴ This would imply either that it had been cleared by the conquerors or that they had not maintained the earlier arrangements.

On the other hand, Professor Kovalevsky believes that the Roman clergy that had taken no direct part in repelling the invasions were left in undisturbed possession of their land, and so carried over from Roman to Saxon-Christian times the Roman law idea of private ownership. This somewhat startling doctrine he derives from a passage in Eddi's *Life of S. Wilfrid* and a notice in Elmham's *History of the Monastery of St. Augustine at Canterbury*. Eddi relates that Wilfrid, at the dedication of his church at Ripon, publicly announced its endowment, consisting of the gifts of vari-

¹ This view seems to have been advanced in a work published in 1863 under the title of *Istituzioni Politiche Langobardiche*, which I have not been able to see.

² *Entstehung der Feudalbeziehungen im Langobardischen Italien*, cited in Kovalevsky, 346, *et passim*.

³ The text cited in support of the statement that a village or union of villages held such leases seems scarcely to bear that sense. "Et si minime fecero ad redendum vobis sic, me distringere debeat, sicut alios colonos vestros" (Troya, *Cod. Dip. Lang.* ann. 777, p. 99). If a man fails to meet his obligations to his lord, he may under the local custom be distrained like any other colonus; what could be more individualistic?

⁴ See Ine, caps. 64-66, in Schmid, *Gesetze* (2d ed.), p. 52, providing that those who wish to leave their land must show that more than half of it is under cultivation *gesettes*, which could not be under the three-field system. Mr. Seebohm reads this passage very differently, understanding *gesettes* as let out to tenants. See *Tribal Custom in Anglo-Saxon Law*, 417-436, and particularly p. 422.

and the Anglo-Saxon laws indicates a fortified place to which a group of kinsmen might resort for protection.¹ Such a settlement would be made by a large undivided family (*Hauscommunion*) which by the seventh century had broken up into small individual families under the resolvent action of Church and State. Thus the Anglo-Saxon *ethel land* is essentially the same as the *terra aviatica* of the Ribuarian law.

The difficulties of reaching this point by the path Professor Kovalevsky has traveled are very grave. For one thing, the word *ethel* in the sense of land held by groups or individuals is not used in Anglo-Saxon documents. When the word occurs it has the sense of fatherland, *patria*.² Von Maurer's argument, therefore, falls. Again, in assuming a common settlement and possession of land by family groups Professor Kovalevsky has not met the weighty objections of Professor Maitland,³ nor Mr. Round's argument tending to show that patronymic place-names may in many cases point to the original settlement of an individual in an isolated homestead rather than in a family group.⁴ There is, however, another path by which somewhat similar conclusions may be reached, and this Mr. Seebohm has been pointing out in his two works on tribal custom. By distinguishing between the family as wergeld-group reckoned to the ninth generation, and as land-occupying group reckoned to the fourth, Mr. Seebohm has shown how Professor Kovalevsky's difficulty may be avoided, particularly as the narrower group was for the purposes of inheritance strictly agnatic.

It may be reasonably supposed, then, that the social development of the Anglo-Saxons, like that of other German peoples, began with the predominance of the family, and that Church and State coöperated to weaken and at length to destroy that predominance. This is illustrated by the learning of recent years with regard to the *land boc*. By means of such a document the king conveyed to the Church or to a private person the right to take the royal tribute in a certain district. This right was not at first hereditary, nor did it authorize the receiver to dispose of the land at his pleasure. It was rather, indeed, the conveyance into private hands

¹ This definition is also given by Müllenhoff, *Deutsche Alterthumskunde*, IV. 282. Is it not equally possible that *burg* may have here the abstract sense of the protection afforded by the family connection? Certainly it would seem to be so used in the laws; cf. Ine, cap. 74, §1; Alfred, cap. 41, in Schmid, *Gesetze*, 56, 94.

² Schmid, Gloss., s. v. *ethel*; Lodge in *Essays in Anglo-Saxon Law*; Stubbs, *Const. Hist.*, I. 80-81; Vinogradoff in *English Historical Review*, January, 1893; Maitland, *Domesday Book and Beyond*, 256.

³ *History of English Law* (1st ed.), II. 237 ff., particularly 240-241; *Domesday Book and Beyond*, 341-350.

⁴ *The Commune of London*, 1-28.

was the house, not the individual, that was reckoned the possessor. An arrangement similar to this Professor Kovalevsky discerns in Anglo-Saxon England, and by it accounts for the twelve-hynde and six-hynde men of the laws.¹ But it may be remarked that even if the land-owning unit were the house and not the man, the notion of individual ownership is not thereby excluded. A group of such units occupying an area of land to an "ideal share" of which each is entitled does not, at the last analysis, differ from a group of coōwners holding *pro indiviso*. This, indeed, will be the only possible explanation of their position unless the inadmissible idea of a corporation be introduced. The same reasoning will apply to the group of individuals forming the household and will find corroboration in the fact that the size of the share varied in direct ratio to the number of souls composing the household. The share, then, is the share of the individual whether or not it be allotted to him in severalty.

Under the Anglo-Saxon principle of equal division of the inheritance among the sons the large undivided family broke up. A new arrangement had then to be made involving a permanent allotment of arable land to the small families created by this subdivision. In order to secure strict equality this allotment was made in the scattered acre-strips of the three-field system. As the population increased new land would be taken up and new villages planted, and these in turn would undergo the same changes as the elder settlements. These latter under ecclesiastical influence began to admit the possibility of the sale of a share, and this principle, once introduced, worked in England, as it had on the continent, to transform a group of kinsmen into a group of neighbors. The villages of later settlement, on the other hand, retained their rights in the common lands of the elder communities. By this fact we are enabled to account for the village marks (inter-commoning villages) which meet us toward the close of the Anglo-Saxon period.

The great proprietary estates seem to have grown slowly. The documents of the seventh, eighth, and ninth centuries give rather the impression that small holdings of from twelve to twenty-four *manentes* were the rule. By a consolidation of these the great estate was formed. The *geneats*, free members of a free community, formed the majority of the population; at the other extreme stood the *geburs* bound to the soil. Between the two were the

¹ This is scarcely less than fantastic as far as the hynde men are concerned. These terms refer either to status as determined by wergeld, or to one's ability to produce a complement of kinsmen as oath-helpers. See Schmid, Gloss.: Seebohm, *Tribal Custom in Anglo-Saxon Law*, 409 ff.

cotsetlas, personally free indeed and having house and curtilage, but without a share in the open field, answering in many ways to the *hospes* of the Frankish estate. The depression of this free population was accomplished in England, as on the continent, by the consolidation of great estates, the failure of the central government, and the conversion of public into private law relations.¹

Professor Kovalevsky's system is not of course final, but it commends itself by two striking advantages. The first of these is a broad reasonable hypothesis, freed from the preoccupations of the Romanist and Germanist alike, and *prima facie* very probable. The second is the temperate application of the comparative method, by means of which conditions in Anglo-Saxon England are brought into relation and compared with those obtaining at the same time in other parts of the Western Empire in which Germanic peoples had settled.

GAILLARD THOMAS LAPSLEY.

¹ All this has been and still is the subject of dispute. The word *geneat*, for example, has been regarded as the equivalent of *ceorl* and *gebur*, as a general term for *gebur* and *cotsetla* alike, and as denoting a specific form of tenure. See Seebohm, *Village Community*, 137-142; Allen, *Essays and Monographs*, 240-256; Andrews, *Old English Manor*, 145 ff.; Maitland, *Domesday Book and Beyond*, 59, 327.

AMERICAN BUSINESS CORPORATIONS BEFORE 1786

THE title of this article requires a definition of the terms employed. The subject must necessarily be examined from a statistical standpoint, and statistics are of little value unless the basis upon which they are made up is stated with some precision. The phrase "business corporation" will be employed to denote only corporations formed primarily to promote business enterprises, either by the investment of money as a productive capital, or by encouraging and facilitating such investments on the part of others. The term "American" is used in accordance with its conventional acceptance in this country, as restricted to what pertains to territory included within the limits of the United States.

The year 1789 has, of course, been selected as the close of the period to be considered because from that time on the country came under the influence of new social and political conditions. It was a year marked by two events as one of the great dates of world-history. The States General of France were convoked, after a slumber of a century and a half, to begin for Europe the work of pulling down the ancient forms of centralized authority. The first Congress of the United States at the same time was assembled at New York—a Congress which also exercised the functions of a constitutional convention—to begin for the United States the work of building up a new form of centralized authority, that of a strong central government with a narrow field, side by side with many strong local governments, each with a wide field. For Americans, 1789 is the year when a uniform continental system of political administration was first set up with powers adequate for the due protection of rights of person and property.¹

During the colonial era all large business enterprises had been checked by our dependence on a country whose commercial interests were thought to be antagonistic to our own. The first years of our political independence had been spent in making independence secure. Then came as many more, darkened and confused by differences and rivalries between the states. Not until the new government under our present Constitution came into active operation in the spring of 1789 was a fair field open for the permanent

¹ See John Marshall's observations on this point in his *Life of Washington*, V. 87.

corporation, in the ordinary and proper sense of that term, without a voluntary acceptance of corporate privileges so granted for business purposes.¹

In the foregoing list of colonial charters none has been included that was granted directly by the home government. That of the Massachusetts Bay Company, out of which soon grew the colony and province of Massachusetts, was an example of one type of these; the monopolistic charters of the Hudson's Bay Company and the Ohio Company, of another.

At the opening of the eighteenth century there were in England but three joint-stock companies under full charters for purposes of foreign commerce.² America claimed one — the Hudson's Bay Company. This had a crown charter from Charles II., confirmed for seven years by act of Parliament in 1690.³ The Ohio Company, composed partly of Englishmen and partly of Virginians, was chartered in 1749 to promote a land speculation, and the Virginia assembly was compelled by the home government to make it a grant of 600,000 acres.⁴ The Susquehanna Company, formed about the same time (1743), which made the settlement at Wyoming out of which grew the short-lived county of Westmoreland in Connecticut, had no charter,⁵ although they sought one from the Crown, and with the full consent and approval of the Connecticut legislature.⁶ Like almost all the land companies of the eighteenth century, it was a mere partnership.⁷ Some of these had nearly a thousand members; others, only two or three.⁸

There were numerous instances of the incorporation or quasi-incorporation of proprietors of lands by the colonies, for the purpose of improving their property by concerted effort. The earliest of these occurred in Massachusetts in 1652, when thirteen owners of land upon Conduit Street in Boston were incorporated (though with no company name) to enable them to supply houses on that street with water. Each had an equal share in the undertaking, which was successfully prosecuted.⁹ Many quasi-corporations of

¹ *Op. cit.*, 268-272.

² Anderson, *Hist. of Commerce*, II. 598. Another American charter had been granted in 1692 for "The Company of Merchants of London Trading to Greenland," but little was ever done under it.

³ Winsor, *Narr. and Critical Hist. of America*, VIII. 5, 9.

⁴ Winsor, *op. cit.*, V. 570; Hildreth, *Hist. of the U. S.*, II. 433.

⁵ *The Susquehanna Title Stated and Examined*, 33-35.

⁶ *Col. Rec. of Conn.*, X. 378.

⁷ See Abraham Bishop, *Georgia Speculation Unveiled*, 43.

⁸ *Documents accompanying the Report of the Commissioners on the Georgia Mississippi Territory*, 1803, 29, 43.

⁹ Davis, "Corporations in the Days of the Colony," *Publications of the Colonial Society of Mass.*, Vol. I.

The Free Society of Traders in Pennsylvania was chartered by Governor Penn soon after he had obtained his patent, and it received extraordinary privileges. It was in furtherance of a scheme for a land as well as a trading speculation, and the corporation was invested with the lordship of the manor of Frank, and the right to have three representatives in the provincial council or assembly.¹

The subscription agreement was drawn up in March, 1682, in London, where the patent, or grant of incorporation, had been issued,² and the first officers were elected there;³ but it was to be distinctively an American company,⁴ with its seat at the capital of Pennsylvania, where all its meetings after the first were forever to be held. A capital stock of £5,400 was subscribed under date of April 26, 1682.⁵ At all meetings, subscribers for £50 were to have one vote, those for £100, two votes, and those for £300 or over, three votes; provided that no one could cast over one vote unless he resided in Pennsylvania or owned 1,000 acres of inhabited land there. The articles of association under the patent provided that the first general assembly held in Pennsylvania should be asked to ratify it. Of that assembly, which met in December, 1682, Dr. Nicholas More, the first president of the society, was chosen speaker,⁶ but it does not appear from its records that any application was made either then or later for any such legislation.⁷ The society had evidently settled on a different course. Governor Penn had made large sales of lands in his new province early in 1682. After the society had been incorporated and shortly after the grant of the charter of April 25, 1682, the leading purchasers of these lands had met in London (May 5, 1682) and with Penn's consent had adopted certain provincial "Laws." One of the articles (Art. XXXI.) expressly ratified the charter of the society. Another provided that none of these laws should ever be altered except by the concurrence of the governor and six-sevenths "of the freemen

¹ *Two Centuries of Growth of American Law*, 305; see also *Colonial and Provincial Laws of Pa.*, 473; *Pa. Stat. at Large*, ed. 1899, III. 345; *Col. Rec. of Pa.*, II. 154; III. 158.

² *Minutes of the Provincial Council of Pa.*, I. 40 (Art. 31); Hazard, *Register of Pa.*, I. 396.

³ May 29, 1682.

⁴ It styled itself the Free Society of Traders in Pennsylvania (Winsor, *Narr. and Critical Hist. of America*, III. 498).

⁵ *Pa. Magazine of History and Biography*, V. 37; XI. 175.

⁶ *Collections of Hist. Soc. of Pa.*, I. 196; Winsor, *Narr. and Critical Hist. of America*, III. 485.

⁷ The records of the early assemblies are incomplete. *Votes of Assembly*, I. 60, Appendix xiv.

of April 25, 1682, made no provision for representation of the society in the provincial council. The first session of that body was held on March 10, 1683, and it is significant that at the next, two days later, "Nicholas Moore, President to the Society of Free Traders in this province," was brought before it on a charge of having said in a public house that at the first meeting the council had broken the charter and might be impeached for treason.¹ He denied having said quite this, but evidently had come dangerously near it, and it is not improbable that one of the causes of his remarks was dissatisfaction at the manner in which the charter of the society had been disregarded in that of the province and in the actual composition of the council.

What of its capital stock did not go into land was invested in cargoes of English goods. They were sold at a great profit, but on trust. The purchasers failed to pay, and on May 29, 1684, the treasurer of the society (who was a Quaker and opposed to lawsuits) wrote, "we have neither credit nor money, and now must sue people at law or be forced to loose all." "I am so weary," he adds, "of the Society's business that I will get clear as soon as I can."²

In a few years the society went practically out of business, except as an owner of real estate. There were no dividends, and some of the English shareholders applied in August, 1704, to the provincial council for an order that the managing officers render an account. It seems to have been difficult to discover who these were, for the council "ordered that Benjamin Chambers, said to be late President of the said Society,"³ produce its books. A letter of Penn, written in February, 1705/6, refers to the society in a way which indicates that it had been used by his steward, Philip Ford, who was one of its original promoters, as one of his instruments for bringing the governor into his debt.⁴ We hear no more of its doings until 1721, when a bill was passed by the provincial assembly to wind up its affairs and distribute among its shareholders what might remain. The governor, Sir William Keith, refused his assent on the ground that the proceeding was an irregular and *ex parte* one. Subsequently, on March 2, 1722/3, it was reenacted with certain amendments suggested by him, and trustees were appointed, who sold out its property and distributed the proceeds.⁵ So passed

¹ *Minutes of the Provincial Council*, I. 58.

² Manuscript letter-book of James Claypoole.

³ *Col. Records of Pa.*, II. 153.

⁴ *Memoirs of the Hist. Soc. of Pa.*, X. 108.

⁵ *Votes of Assembly*, II. 290, 294, 361; *Colonial Records of Pa.*, III. 138; Shepard, *History of the Proprietary Government of Pa.*, 45; Scharf and Westcott, *Hist. of Phila.*, I. 202.

deposit ought equitably to bear was determined, and a new start made on the basis of this account. Each depositor was liable to his fellow-members for losses to the amount of his deposit and half as much more. As policies were issued only to members, this limitation of his personal loss could be effectually made. In fact, it was a kind of private club. The members held monthly meetings, and if any one failed to attend he was fined for his absence, the fines thus received being applied to setting up mile-stones on the roads leading into the city.¹ Like so many of the new things of his day, this company was set on foot by Dr. Franklin, who headed the original list of its board of directors. It is still one of the active business corporations of Philadelphia, and among the most important, having accumulated assets of the value of about five millions, and carrying risks of a proportionate amount. In its first year the total insurance effected was only about \$108,000, and the sums deposited for premiums amounted to \$1,291.² It has been treated in this paper as a business corporation because it grew to be one in common course by natural development. For a long period it allowed its surplus assets to accumulate, and it was made a question whether it could do otherwise. This question was finally brought, in 1895, before the courts, and it was decided that dividends could be lawfully declared in favor of the members, if the directors saw fit.³ Since that time it has been in every sense a business concern.

The last charter in our list, that of The Proprietors of Boston Pier, or the Long Wharf in the Town of Boston in New England, granted in 1772,⁴ was justified by a condition of things similar to that at New Haven, and proved equally efficacious in securing the end in view.

Pennsylvania also chartered in 1759 what was in effect a life-insurance company for a limited class, styled the Corporation for the Relief of Poor and Distressed Presbyterian Ministers, and of the Poor and Distressed Widows and Children of Presbyterian Ministers. This is still in existence and has done a useful work. Its main design, however, being charitable, it has not been included in the list of colonial incorporations.

Nor does the New York Chamber of Commerce appear there, for though it may fairly be regarded as a business corporation it is not unquestionably of colonial origin. Those who associated to

¹ Bolles, *Industrial History of the United States*, 823.

² Scharf and Westcott, *History of Philadelphia*, III. 2114.

³ McKean v. Biddle, 181 *Pu. State Reports*, 361.

⁴ *Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay*, V. 200, 262, 288.

suggestion was adopted. He subscribed in this way for about a quarter of a million of the stock, all of which, within the next two years, was disposed of to private individuals.¹ It was upon this basis that Congress, on December 31, 1781, treated the subscriptions as full, and "The President, Directors and Company of the Bank of North America" were finally incorporated. The capital could be increased at the pleasure of the directors to any amount not exceeding \$10,000,000. The bank's notes were to be receivable for public dues, state and federal, and Congress recommended to each state the enactment of a law that no other bank or bankers should be established or permitted to do business within its limits during the continuance of the war.²

It proved a profitable as well as a patriotic enterprise. Almost immediately it began to make dividends of 13 and 14 per cent. a year, and under an ancillary charter obtained from Pennsylvania in 1787 it still exists, with a capital of \$1,000,000, and a surplus of nearly twice that sum.³ In 1782, such ancillary charters, with the monopoly provision recommended by Congress, were granted by Massachusetts, New York, and Pennsylvania. That from Pennsylvania was repealed in 1785 but reenacted two years later. Meanwhile, in 1786, the bank had obtained incorporation from Delaware.

This action of Pennsylvania in 1785 was dictated by a jealousy of corporations formed for private profit, which was characteristic of both English and American sentiment down to the early part of the nineteenth century and was not dissipated in either country until free incorporation began to be offered on equal terms to all, by general laws to that effect.

The long colonial era, then, brought forth but six American business corporations. The thirteen years of sovereign statehood under the Confederation produced twenty, and the Confederation itself gave birth to one. But during the eleven years that remained of the eighteenth century just two hundred more came into existence, the United States here again incorporating one—the first Bank of the United States, greatest of all, *unum sed leonem*.

The first of the state charters for an independent enterprise of real magnitude was given by Massachusetts. By reincorporating the Bank of North America she had confirmed its monopoly of the banking business within her limits during the Revolutionary War.

¹ *Works of James Wilson*, ed. of 1896, I. 552; *Sound Currency Tracts*: L. Carroll Root, *The First United States Bank*, 3.

² *Journals of Congress*, VII. 87, 197, May 26, Dec. 31, 1781.

³ Sumner, *Life of Robert Morris*, 102; *Hist. of Am. Currency*, 50. A monograph was issued by the bank at the close of its first century of existence, giving a history of its origin and growth.

been in existence since 1762,¹ but had accomplished comparatively little. Washington had been one of the chief promoters until called to the command of the Continental army. Soon after the close of the Revolution he made known his opinion that Maryland and Virginia must unite in creating a corporation for this purpose, unless they made it a public undertaking. He urged upon the attention of the governor of each of these states the necessity for such charters, and put in a strong light the improvements in the navigation of the Potomac that were possible and the great benefits that would result to the whole country from them. "The Western States," he wrote to Governor Harrison of Virginia on October 10, 1784, "stand as it were upon a pivot. The touch of a feather would turn them any way." If the trade of the interior was to flow through the Great Lakes to the St. Lawrence, it would be to benefit Canada: if it followed the Mississippi, it would be to benefit Spain. Improve their connections with the Atlantic states, and the country would be bound together by fresh ties.² The term "Western States" was used in this letter, no doubt, to describe the new "distinct states," ten in number, into which Congress in the preceding April had resolved to divide the western territory of the United States.³ The word "territory" had not then been adopted as a designation of a political community.

Washington's business judgment was always sound, and he was quick to see a business opening. During this same year he was engaged in negotiations for the purchase, in company with Governor George Clinton, of what he termed "the mineral spring at Saratoga," but one of any importance (what is now the High Rock spring) being then known to exist.⁴ He was also looking carefully into the merits of James Rumsey's plan and model for a boat which could ascend a river by the aid of the water itself, and he called it to Governor Harrison's attention in the letter from which a quotation has been made, as bearing upon the prospects of the proposed canal. "I consider," he wrote, "Rumsey's discovery for working boats against the stream, by mechanical powers principally, as not only a very fortunate invention for these States in general, but as one of those circumstances which have combined to render the present time favorable above all others for fixing, if we are disposed to avail ourselves of them, a large portion of the trade of the Western country in the bosom of this

¹ Pickell, *Hist. of the Potomac Co.*, 44, 64.

² Marshall, *Life of Washington*, V. 12-18; *Writings of Washington*, Sparks's ed., IX. 31, 58, 65, 112, 115.

³ *Journals of Congress*, IX. 153, April 23, 1784.

⁴ *Writings of Washington*, Sparks's ed., IX. 68, 70.

corporation by the concurrent legislation of different states. To this may be attributed the rarity of such charters until within the last quarter of a century, when it was settled by judicial decisions that the constitutional prohibition referred only to agreements or compacts of such a nature as to change the political relations of one state to another or to the United States.¹

It is easy to see why the American colonies created so few business corporations. It is, at least, doubtful whether the colonial assemblies had a right to create any. The patentees under the earliest grants, so far as they had the power, had little inducement to use it. No trading charter in those days was thought worth having unless it carried a monopoly,² and patentees who had secured a general monopoly for themselves within a certain territory were naturally indisposed to share it with others.

The causes for the paucity of state charters between 1776 and 1789 are not to be so readily assigned. It was not for want of money to invest. There were before the Revolution and throughout the Revolution large fortunes held by Americans. Others were accumulated because of the Revolution, and some of them from government contracts for supplies and munitions of war, in the execution of which considerable capital was required, and which involved heavy personal risks, against which a corporate franchise would have been a convenient shield. Nor are corporations especially the agents of the rich. It is the man with five hundred or a thousand dollars to invest to whom they are the greatest boon. Before the Revolution such a person had been apt to put his money into a share in a ship or a share in a land company. During the Revolution and for many years after its close, he did the same. In the roll of twenty shareholders in the Georgia Company of 1795, which made the famous Yazoo purchase, but one man, James Wilson, appears as a subscriber of over £2,000, and two put in £200 or less.³ Both the small and the large capitalist would have been glad to make his investment under the protection of a charter, but neither wished a charter that did not protect.

The commercial policy of each of the new states was at the outset a narrow and selfish one. This was a natural outgrowth of colonial conditions. The tendency of legislation as to matters of intercolonial interest had been, and as to those of interstate interest was, towards what was unfriendly. The prevalent note was

¹ *Baltimore and Ohio R. R. Co. v. Harris*, 12 Wallace's Reports, 65, 82; *Virginia v. Tennessee*, 148 United States Reports, 503, 519.

² See Adam Smith, *Wealth of Nations*, III., Book v., chap. I., 145, 146.

³ *Documents accompanying the Report of the Commissioners on the Georgia Mississippi Territory*, 1803, 37.

had walked in the shadow of each. They were in their very nature embodiments of special privileges.

In 1784 the leaders of each of the great parties, which were already forming, were before the New York legislature with petitions for bank charters. Chancellor Livingston sought one for a land-bank; Hamilton another for one of discount and deposit.¹ We may be sure that political influence was not wanting to back these petitions. Log-rolling was not then unknown. Both, however, were rejected, and although Hamilton and his associates had gone so far that they proceeded to set up business as a voluntary association by the name of the Bank of New York, no charter could be got for it until 1791.

The public jealousy of corporations against which Hamilton and Livingston could avail nothing in New York was felt, though not everywhere with equal force, throughout the Union. There was but one thing that could effectually remove it. That was to remove the cause. To deprive the corporate franchise of the character of a special privilege and make its possession free to all — this was to be the next great step in the evolution of American combinations of capital for business purposes. North Carolina had been one of the sturdiest upholders of the rights of the people. She had unwillingly acceded to the establishment of a national government. She had failed to convince Congress that it ought to ask the people to forbid it to grant monopolies. In 1795 she struck out into a new field for herself and gave the modern world an object-lesson in political science. For the first time since the beginnings of the Roman Empire,² a sovereign state offered incorporation for business purposes to any who desired it, freely and on equal terms. As became a government venturing on so novel an experiment, she confined her offer to a single class of business enterprises — the construction of canals; but she gave a generous franchise, including the right of eminent domain, providing only that the works should become public property whenever the shareholders should have received their capital with interest at six per cent.³ The example thus set was soon imitated by other states, and the vast number of business corporations formed under general laws that the nineteenth century brought forth to change the face of the United States witnesses the wisdom of making freedom of incorporation one of our fundamental political institutions.

SIMEON E. BALDWIN.

¹ *Works of Hamilton*, I. 414.

² Up to 1795 general incorporation laws had been restricted to the formation of charitable, religious, or literary corporations. Baldwin, *Modern Political Institutions*, 148, 174, 193, 194.

³ *Laws of North Carolina*, ed. 1821, I. 769.

acts of the Continental Congress.¹ A much more complete collection was published in 1783. This included the documents printed by order of Congress in 1781. The work of translation was done by the Duc de la Rochefoucauld at the request of Franklin, who wished to counteract the extravagant misrepresentations of American affairs diligently circulated by the English newspapers. He thought that the new state constitutions would show that political knowledge and sagacity were to be found even in the American wilderness. The work was not published surreptitiously, like so many works of a political character at this time in France. Through the good offices of Vergennes it received official authorization. Franklin presented two copies "handsomely bound, to every foreign minister . . . one for himself, the other more elegant for his sovereign." He further hoped the impression produced by these documents would be so wholesome that many persons of substance would be persuaded to emigrate to America.² An even more complete reprint of the state constitutions appeared from 1784 to 1788 in the section of the *Encyclopédie Méthodique* on "Économie, Politique et Diplomatique," edited by Dèmeunier, censor royal, afterwards a member of the second committee of the Constituent Assembly on the Constitution. Dèmeunier also published separately these documents and his comments.³ Besides such more formal and complete collections, several of the constitutions or declarations of rights were quoted by writers in their essays on the new institutions.⁴

In the discussions of these constitutions there become apparent some of the tendencies characteristic of the attitude of the dominant parties in the National Assembly. One of the first and most important criticisms was made by Turgot, the economist and practical statesman, in a letter to Dr. Price, dated March 22, 1778. He

¹ *Recueil des Loix Constitutives des Colonies Angloises, Considérées sous la Dénomination d'États-Unis de l'Amérique-Septentrionale*. Dédié à M. le Docteur Franklin. À Philadelphie et se vend à Paris, 1778.

² *Constitutions des Treize États-Unis de l'Amérique*. À Philadelphie et se trouve à Paris, 1783. Franklin's *Works*, VIII. 274-275, 317, 395. Sir Samuel Romilly was introduced to Franklin in Paris, and when some passages from the collection were read to him expressed surprise that the French government had permitted the publication. Quoted from the *Life of Sir Samuel Romilly*, I. 50.

³ *Essai sur les États-Unis*. Par M. Dèmeunier, secrétaire ordinaire de Monsieur, Frère du Roi, et censeur royal. À Paris, 1786. Dèmeunier reprinted these articles again in 1790 under the title *L'Amérique Indépendante* (4 vols.) without taking the trouble to change his comments on the general government under the Confederation.

⁴ The most elaborate of these was Mazzei's *Recherches Historiques et Politiques sur les États-Unis de l'Amérique-Septentrionale* (4 vols., Paris, 1788). Crèvecoeur's *Lettres d'un Cultivateur Américain* (2 vols., Paris, 1784; 1787, 3 vols.) increased general interest in America.

consent, if need be, to legislative acts.¹ Many Frenchmen, among them Condorcet and Brissot, called attention to the American plan of giving constructive constitutional work to a separate convention, freeing it in this way from the vicissitudes of ordinary legislative activity.²

The most solid and extended observations on the American constitutional system were made by Dêmeunier in the *Encyclopédie Méthodique*. Besides a general article on its characteristics and the nature of the Confederation, he devoted a special article to each state. Like Turgot he noted the English features of the constitutions, but these did not trouble him. He believed that the advantages of the bicameral system outweighed the disadvantages. If it required more time to make laws there were fewer errors to correct. He predicted that Georgia, which had no senate, would be forced to create one as soon as its population should become more numerous. In commenting on Pennsylvania his views were most strongly expressed. He did not believe the single chamber system here could endure, for although the inhabitants, and particularly the Quakers, were simple-minded and honest, they had not the vigor to manage a government so stormy. He also noted the controversy already begun in Pennsylvania over this feature of the constitution. Dêmeunier is a curious instance of the rising dread of executive authority which led the French in 1789 to render their monarch powerless for good, if not for ill. He repeatedly urges that the governors be watched, and regards as dangerous their power to make appointments and issue commissions. These officials seem to him too much like uncrowned kings. The same objection will be later urged against the powers of the president. Dêmeunier, like Condorcet³ and others, felt that one of the greatest

¹ *Examen du Gouvernement d'Angleterre Comparé aux Constitutions des États-Unis*. Par un Cultivateur de New Jersey (Paris, 1789), 188-200. Quérard wrongly attributes this book to Robert A. (R.) Livingston. Cf. for a further explanation of Condorcet's views on the organization of the legislature his *Seconde Lettre d'un Citoyen des États-Unis à un Français* (Philadelphia, 1788). Pétion, who in September, 1789, was a partizan of the single chamber, wrote in 1788 in his pamphlet *Avis aux Français sur le Salut de la Patrie*, "Dans un état où tous les citoyens seroient égaux, en Amérique, par exemple. . . il y auroit beaucoup moins d'abus à diviser le corps législatif en deux chambres, parce qu'elles s'éclaireroient mutuellement, qu'elles ne pourroient être animés par aucun esprit de parti," etc., 93-94.

² In the second of Condorcet's *Lettres d'un Citoyen des États-Unis*, *Œuvres*, IX. 122. Cf. his *Essai sur la Constitution et les Fonctions des Assemblées Provinciales* (1788), I. 130. Brissot wrote in his *Plan de Conduite pour les Députés du Peuple aux États Généraux* (April, 1789), 240: "On ne peut imaginer de méthode plus sage que celle des conventions particulières. Nous en devons la découverte aux Américains libres, et la convention qui a formé le plan de système fédéral, l'a infiniment perfectionné." Cf. Brissot's *Discours* (Bibl. Nat., pièce) at the meeting of his Paris district, April 21, 1789.

³ Condorcet wrote in his *Idées sur le Despotisme*: "La première déclaration de droits qui en mérite véritablement le nom, est celle de Virginie, arrêtée le 1^{er} juin 1776; et

consoled itself with the reflection that "this revolution will have nothing vexatious for us: we have never pretended to make of America a useful ally; we have had no other end than to deprive Great Britain of a vast continent."¹

Such a state of affairs was unfavorable to the continued influence of American constitutional methods. But there was another consequence. As soon as rumors of a revision of the system of government were heard, the text of the new Constitution was eagerly awaited. When it came it was printed in the most important newspapers and in the last volume of the *Encyclopédie Méthodique*.² Not all read it with the deep interest Lafayette expressed to Washington, although according to him it had been much admired by the philosophers of Europe.³ Condorcet wrote to Franklin, "If it was impossible to obtain anything better, we must regard it as among the necessary evils, and hope that the opposition will be strong enough to require a few years hence a new convention." He vaguely added, "I see with pain that the aristocratic spirit seeks to introduce itself among you in spite of so many precautions."⁴ He and his friends touched in the notes to Livingston's book what they considered its defects. They saw in it an ominous similarity in fundamental principles to the English constitution.⁵ They were surprised at the omission of a declaration of rights; there was also nothing to prevent high offices from becoming hereditary, and the Federal government was too strong.⁶ At least two of these features were generally considered faults. As Jefferson wrote in reference to a declaration of rights, "the enlightened part of Europe have given us the greatest credit for inventing this instrument of security for the rights of the people and have been not a little surprised to see us so soon give it up."⁷ The other fault is significant, not to say ominous, for the future of France: it was the power

¹ *Ibid.*, XXXII. fol. 350-351. In March, 1789, Moustier prepared an article for the *Gazette de France*, calling attention to the collapse of the Confederation as a lesson to the admirers of the Americans.

² The *Gazette de Leyde* published it in Nos. 91-95, beginning Nov. 13, 1787. This paper gave constant attention to the movement for ratification. When it announced the final adoption in No. 72, it remarked that while Europe was suffering from an excess of ills America was at the height of her wishes. The *Gazette de France* published, Nov. 20, a short sketch of the Constitution. The *Mercure de France* published the full text in the same month.

³ Letters of Jan. 1 and Feb. 4, 1788, *Mém.*, II. 216, 222.

⁴ Franklin, *Works*, X. 1, letter of July 8, 1788.

⁵ The bishop of Arras told Gouverneur Morris in March, 1789, that the Constitution was "the best that has ever yet been found, but has some faults which arise from our imitation of the English." *Diary and Letters*, I. 34.

⁶ *Examen*, 200 ff.

⁷ *Writings* (Washington ed.), II. 586. Cf. Lafayette's letter of Jan. 1, already cited.

It is apparent from these currents of thought among influential Frenchmen that even the sincere admirers of America were not docile pupils of American experience. Some of them were inclined to reject the very constitutional devices that the Americans had adopted as the teaching of their whole political past, and to accept merely what was similar to the speculative conclusions of the French philosophical school itself. Aside from Lafayette, Brissot was the most thoroughgoing admirer of the American system, but since he failed to be elected to the States General, his advocacy was made only through his pamphlets and his newspaper. It is also significant that of the men who were deeply interested in American constitutional principles before the opening of the Revolution not one was a member of the first committee on the Constitution. The most prominent members of that committee appear to have approved the American constitutions for their resemblances to the English system, in other words, for those very characteristics which were considered defects by those who had taken special interest in the American constitutions.

The first serious constitutional question that was brought up after the States General had become the National Assembly concerned a declaration of rights. It was the example of the American states which had made this a part of the new programme. Moreover, the contents of the various American declarations were consulted in formulating one for France. Such a conclusion would be reached from what has already been said of pre-Revolutionary writings, but there is additional evidence.

It was significant that Lafayette submitted the first project. As early as 1783 he had placed in his house a copy of the Declaration of Independence with an empty space beside it, awaiting, as he said at the time, a declaration of rights for France. He probably put his project in form early in 1789, for Jefferson wrote in January, "Everybody here is trying their hand" at such statements.¹ So far as he used American declarations as a guide it was not the Declaration of Independence but the bills of rights prefixed to the state constitutions which served this purpose.

In the National Assembly the discussion of a declaration of rights falls into two periods, for on July 11, immediately after Lafa-

¹*Mémoires*, III. 197. Jefferson's *Writings* (Ford ed.), V. 64. Lafayette subsequently wrote, "La première déclaration des droits dans le sens américain, qui ait été proclamée en Europe, est celle que Lafayette a proposée à l'assemblée nationale." He also explains that it was only after the beginning of the American era that the question had been raised of defining the rights which each man possesses independently of established society. It is in this connection that he comments on the state declarations of rights, particularly that of Virginia. "Sur la déclaration des droits," *Mém.*, II. 303-306.

After the Assembly had completed its decrees for the abolition of feudalism it resumed the discussion of the declaration of rights and sought to draw up a satisfactory statement. Many of those who admired the American declarations felt, nevertheless, that these could be improved. Count Mathieu de Montmorency said that the French enjoyed an advantage over the Americans; they "could more boldly invoke reason and allow it to speak a language more unalloyed." "Yes," he added, "it belongs to France and to the eighteenth century to present to the world a new model and a code of reason and wisdom to be admired and imitated by other nations."¹ Mirabeau, however, was scarcely able to disguise his contempt for such exercises in phrase making. He declared that "liberty was never the fruit of a doctrine laboriously wrought out in philosophical deductions, but, rather, of daily experience and of the simple reasonings that the facts suggest." And he added: "Thus the Americans have made their declarations of rights; they have designedly laid aside abstract science; they have presented the political truth which it was necessary to establish in a form easily adopted by the people to whom alone is liberty of importance and who alone can maintain it."²

Of the various projects the most noteworthy besides that of Lafayette were those submitted by Mounier and by the Abbé Sieyès. Mounier's project was confessedly based on that of Lafayette.³ Lafayette himself believed that this was true of all the others, and it was also asserted in the course of the debate.⁴ Undoubtedly Sieyès would not have sanctioned a view which would rob him of any of his prestige as an independent source of political inspiration. But the general influence of the American declarations does not depend upon the leadership of Lafayette in this matter. Rabaut de St. Etienne affirmed this influence unequivocally, although he preferred the project of Sieyès. He said, "You have decided to make a declaration of rights because your cahiers impose this duty upon you; and your cahiers have spoken to you of it because France

¹ *Discours* (Bibl. Nat., pièce), Aug. 3, p. 15. Mme. De Staël remarked in her *Considérations sur la Révolution Française*, "Quand la déclaration des droits de l'homme parut dans l'assemblée constituante au milieu de tous ces jeunes gentilshommes naguère courtisans, ils apportèrent l'un après l'autre à la tribune leurs phrases philosophiques, se complaisant dans des débats minutieux sur la rédaction de telle ou telle maxime, dont la vérité est pourtant si évidente, que les mots les plus simples de toutes les langues peuvent l'exprimer également." I. 274.

² *Courrier de Provence*, No. 27, pp. 4-5, on the debate of August 17-18. Cf. No. 29 and No. 33; E. Dumont, *Recollections of Mirabeau*, 112-114.

³ *Exposé de la Conduite de M. de Mounier dans l'Assemblée Nationale*, Nov. 17, 1789, p. 123.

⁴ By the Abbé de Bonnefoi, Aug. 19.

Before the debate on the declaration of rights came to an end the divisions between those who had hitherto been counted supporters of the Revolution became more clearly marked. The heavy sacrifices which the decrees of August 4 had imposed on the privileged classes had alarmed the more conservative. Their fears were increased by the continuance of disorder in the provinces and the utter prostration of governmental authority. These men, drawn together by common ideals, gradually organized a party or group in the Assembly. They had a central committee and subcommittees. Although they did not control a majority of votes, they used their forces so effectively that for a time they appeared to command the situation. Their leaders were La Luzerne (bishop of Langres), Mounier, Malouet, Bergasse, Lally-Tollendal, Clermont-Tonnerre, and Virieu. The group was principally made up of members of the Third Estate with a few recruits from among the nobility.¹

The more radical part of the Assembly was led by Barnave, Duport, and the Lameths. Their strength lay not so much in the actual number of adherents that they possessed as in the fact that a great many deputies who generally seemed inclined to follow the leadership of Mounier refused to follow him in any course of action which was likely to compromise the gains of August 4. The hesitation of the King in accepting these decrees predisposed such deputies to oppose any constitutional provisions which would increase his power of resistance. Accordingly they often voted with Barnave instead of with Mounier.

In marking out the framework of the Constitution the initiative belonged to Mounier and his friends because they were the majority of the committee. It becomes important, therefore, to understand their attitude toward American constitutional principles. This is made clear not only by their speeches and reports, but also by a book on government which Mounier wrote during the discussion of the declaration of rights and published at this juncture to influ-

American predecessors. His thesis is severely handled by M. Boutmy in the *Annales des Sciences Politiques* for July 15, 1902. Although M. Boutmy seems to have the best of the argument in general, he pushes his denial of relationship quite beyond what the history of the debate in the National Assembly permits. See further A. Bertrand, *La Déclaration des Droits de l'Homme et du Citoyen* (Paris, 1900) and E. Blum, *La Déclaration des Droits de l'Homme et du Citoyen* (Paris, 1902).

¹ Malouet, *Mémoires*, I. 302-303. Cf. A. Mathiez, *Revue Historique*, LXVII. 267 ff. See also the *Journal de l'Assemblée Nationale*, Sept. 1, 1789, by Gaultier de Biauzat, who says this party first showed its hand Aug. 23 on the question of religious opinions. Fr. Mège, *Gaultier de Biauzat, sa Vie et sa Correspondance*, II. 269-270. Jefferson thought this group unwittingly played into the hands of the aristocrats. Autobiography, in *Writings*, I. 104.

of a single chamber. He argued for a senate which was simply a thinly disguised chamber of peers. Its members were to be appointed for life by the king from lists of nominees made by the provincial assemblies. Unable to agree in its report, the committee contented itself with recommending the bicameral system and made no attempt to fix the character of the upper chamber.¹ It further declared for the grant of a veto to the king as well as of the right of dissolving the lower house.

According to Jefferson's rather sanguine view of the situation, American precedents were exercising at this time a determining influence. On August 28 he wrote to Madison, "Our proceedings have been viewed as a model for them on every occasion; and tho in the heat of debate men are generally disposed to contradict authority urged by their opponents, ours has been treated like that of the Bible, open to explanation but not to question."²

Although certain constitutional features of the American system undoubtedly exercised some influence, this system was not the ideal of the committee. They were justly called "Anglomaniacs." Their use of American examples was often in the nature of an argument *a fortiori*. Lally-Tollendal in his personal report, while disclaiming a comparison between France and the American repub-

¹ *Procès-verbal*, August 31, annexed *Rapport*, p. 30. In reference to the part the provincial assemblies were to play, a few tendencies of thought should be noted. Jefferson wrote to Madison, August 28, that "the provincial assemblies will be entrusted with almost the whole of the details which our state governments exercise. They will have their own judiciary, final in all but great cases, the Executive business will principally pass through their hands and a certain local legislature will be allowed them. In short ours has been professedly their model, in which such changes are made as a difference of circumstances rendered necessary." *Writings* (Ford ed.), V. 109. In a debate over Paris, July 23, Mirabeau in support of his contention that Paris had a right to organize itself had cited the American example of leaving "à tous ces états le choix du Gouvernement qu'il leur plaira d'adopter pourvu qu'ils soient républicains, et qu'ils fassent partie de la confédération" (*Dix-Neuvième Lettre du Comte de Mirabeau à ses Commettans*, 53-54). But if Mirabeau had any tendencies toward this sort of federalism, he abjured them a month later. Brissot, whose project for the municipal constitution of Paris was accepted as a working basis, asserted local autonomy in unmistakable terms. The sphere of the National Assembly is to embrace the objects common to all the provinces and to sanction the constitution the different provinces give themselves. This sanction he calls "le lien fédéral" (*Observations sur le Plan de la Municipalité de Paris*, Nov. 15, 1789). Brissot had first printed this preamble in his *Patriote Français*, No. IX., August 6. Lafayette feared that the plan of allowing the existing provincial assemblies to choose the senators would encourage these assemblies to become too independent in spirit. He therefore suggested an increase in their number "afin d'éviter l'esprit de provinces confédérées." From a letter written about September 1, 1789, *Mém.*, II. 323-324. In the debate on the veto fears of "federalism" were more vigorously expressed by Sieyès, Virieu, and others.

² Letter to Madison, *Writings* (Ford ed.), V. 110. Morris had written to Carmichael in July, "They want an American constitution, with the exception of a King instead of a President," *Diary and Letters*, I. 113-114. Brissot heard of murmurs against the citation of American examples if Jefferson did not (*Patriote Français*, No. 26, p. 4).

upper chamber without the power of altering projects of law, making it simply a chamber of revision, and if he would also refuse to the king the power of dissolving the lower chamber and would vote for a scheme of national conventions for the revision of the Constitution. This compromise was so close to the minimum which Mounier had himself outlined in his book that it is difficult to understand why he refused it. He evidently did not altogether give up the hope of ultimately reaching an agreement, for in his report and in his speeches he continued to suggest a senate far beneath his ideal. In this his friend Malouet, who was also at the conference, assisted him. According to Mounier there was another conference at Versailles August 29, and when this broke up Barnave and his friends asserted that they would henceforth argue for a suspensive veto and would act on public opinion at Paris.¹

Perhaps Mounier would have been more ready to accept a compromise had he not overestimated the strength of his following in the Assembly. Unhappily for him he could not count on the support of even the nobles. The provincial nobility, assuming that the senate was a chamber of peers in disguise, feared that all the peerages would be given to the court nobles. Others thought preference would be given to the nobles who had first declared for the Third Estate during the controversy about the organization of the States General. Still others hoped that the very tyrannies of a single chamber would be the means of disgusting the nation with the Revolution and would lead to at least a partial restoration of the old order of things.²

¹ Jefferson, letter of Sept. 20, *American Diplomatic Correspondence, 1783-1789*, IV. 144. The account given by Jefferson in his Autobiography is rather fanciful, and the alleged results of the conference are not borne out by the records. In a letter to Jay, Aug. 27, Jefferson wrote: "I can now state to you the outlines of what the leading members have in contemplation. . . . The legislative to be a single house of representatives, chosen for two or three years. They propose a body, whom they call a senate, to be chosen by the provincial assemblies, as our federal senate is, but with no power of negating or amending laws; they may only remonstrate on them to the representatives, who will decide by a simple majority the ultimate event of a law. . . . It is proposed that they shall be of a certain age and property, and be for life" (*Ibid.*, 135). In writing to Madison the next day he makes the same statement. As Mounier declared the last conference took place August 29, it is probable the conference at Jefferson's house was held before the letters to Jay and to Madison were written. This is also the implication of Jefferson's words, "I can now state," etc. If so, the compromise which Jefferson believed had been agreed upon is given in his two letters. The implication of Lafayette's later comments was that no compromise was reached. Evidently the result was not clear. Mounier, *Exposé*, 37-38; Lafayette, *Mémoires*, II. 298-299; III. 203, 514; IV. 200-201. Cf. III. 231. Two years later Barnave and his friends were plotting to revise the Constitution and to institute an elected second chamber. *Mémoires of Mallet du Pan*, I. 263, 443.

² Rabaut de Saint Etienne, *Précis de l'Histoire de la Révolution Française* (ed. 1819, first published in 1792), II. 88-90. Cf. Lafayette, *Mém.*, II. 299.

last five days, and that instead of an immediate appeal to the people he advocated a suspension of decision until the next legislature.

As the partisans of the suspensive veto seemed to be gaining ground, the situation was more favorable for an advocacy of the American plan embodied in the new Constitution. The only man who urged this solution intelligently was Brissot, just then one of the most influential politicians in Paris. On September 4 he declared in his newspaper that the absolute veto meant despotism, or the will of one man, and that the suspensive veto meant anarchy, or a will impossible to reach. He clearly explained the American system, which, said he, had no other object than to bring about a fresh discussion and did not serve as an obstacle to legislation.¹ Brissot found little hearing because both parties agreed in seeing hardly any analogy between the two situations, a veto in the hands of a king being a different thing from the right of an elected officer to force a reconsideration.² The Duc de la Rochefoucauld called even the President's veto a feeble shadow of the royal sanction.³ But so far as it could be brought into comparison it was considered a species of suspensive veto. Even Brissot later acknowledged that it must be so classified, although he did not abandon his conviction that it was more prompt and less dangerous in its effects than the form actually adopted.⁴

As already pointed out, the question of a second chamber was closely related to the problem of the veto, because if the main argument urged for the grant of a veto was the necessity of deliberation this need was satisfied by giving the king the power to postpone decisions over one or two legislatures. Such a consideration led admirers of America, like the Duc de la Rochefoucauld, to disregard the argument for two chambers that was based on American experience. He said, "I shall not be frightened out of my conclusion by the example of the two American states, of which one (Georgia) has already exchanged its single legislature for two legislative bodies, and the other (Pennsylvania) will soon, it is reported, adopt this complicated system." He explained that the French had one "means not possessed by the Americans of providing against the dangers which come from the unity of the legislative body, namely, the *royal sanction*."⁵ Nevertheless he was in favor of a chamber of

¹*Patriote Français*, Nos. 34, 35, 36, 37, 42. Brissot thought the discussion showed ignorance of American institutions.

²Barère even said the Americans had not been obliged to face so grave a question as the grant of a veto. *Point du Jour*, II. 265.

³Speech of September 7.

⁴*Patriote Français*, No. 42. Cf. *Mercure de France*, September 12.

⁵Speech of September 7.

for they looked upon the American Senate as practically a second section of a single legislative body.¹ One of them touched another phase of the question in the remark: "They tell us of the American Senate. There it can be necessary because there is no royal influence." Dupont de Nemours and Sieyès suggested plans by which the deputies might be divided into two sections after they had been chosen or organized.²

On September 7, after a tumultuous session, it was voted to close the discussion and formulate the questions in order to bring them to vote. This task proved very difficult, but finally from sheer weariness the Assembly accepted the form suggested by Camus, a form in which, according to Mirabeau's journal, "not one of the questions was clearly put and scarcely one in its proper place."³ The questions were: first, shall the National Assembly be permanent or periodical; second, shall there be a single chamber, or two; third, shall there be a royal sanction; fourth, shall it be absolute or suspensive? The form in which the first was put seemed to pledge those who voted either way to vote also for the single chamber. And the second was so stated that all those who were opposed to any one of the several kinds of upper chambers would be obliged to vote for a single chamber. It is not surprising, therefore, that when the actual voting began the confusion increased. It happened that the president was a member of Mounier's group. He was so strongly suspected of trying to give the members of that group an opportunity to argue the general question further that he was insulted, and immediately resigned. The tumult was increased by the exclamation of Virieu that the bicameral system was the only means of protecting the legislature from unscrupulous demagogues. This apparently made votes for the other side. All these combined causes led to the decisive rejection of the bicameral system. Out of 1060 present only 89 voted for two chambers, while 122 explained that they had not yet reached a conclusion.⁴

There was an echo of this debate in May, 1791, when the method of legislative procedure was made the subject of a report. Buzot

¹*Point du Jour*, II. 316. Barère thought an indivisible body more active.

²*Logographe*, II. 296, 321.

³*Courrier de Provence*, No. 39, p. 3.

⁴Barère made this comment: "Ainsi point de sénat; nous ne pouvons espérer que du temps . . . l'oubli total des antiques privilèges, et un sénat en ce moment, réveilleroit le germe destructeur des prétentions." *Point du Jour*. II. 345. This crushing defeat led to the resignation of the committee. With the failure of the senate plan disappeared also this opportunity to add to the functions of the provincial assemblies and to develop the analogy between them and the American states. The succeeding committee substituted a brand-new division of the whole country into departments.

HENRY I.'S WRIT REGARDING THE LOCAL COURTS

THE text of Henry I.'s writ regarding the local courts, published by Dr. Liebermann in his *Quadripartitus*, p. 165, presents it in a form which renders its interpretation easier than the older text printed by Stubbs in his *Select Charters*, p. 104. For convenience Dr. Liebermann's text is given here :

Henricus, Dei gratia rex Anglorum, omnibus fidelibus suis, Francis et Anglis, salutem ! Sciatis, quod concedo et precipio, ut amodo comitatus mei et hundreta in illis locis et eisdem terminis sedeant, sicut sederunt in tempore regis Eadwardi ; et non aliter. Et nolo, ut vicecomes meus propter aliquod necessarium suum, quod sibi pertineat, faciat ea sedere aliter. Ego enim, quando voluero, faciam ea satis submoneri pro mea dominica necessitate secundum voluntatem meam. Et si amodo exurgat placitum de divisione terrarum vel de occupatione, si est inter dominicos barones meos, tractetur placitum in curia mea. Et si est inter vavaso- res alicuius baronis mei honoris, tractetur placitum in curia domini eorum. Et si est inter vavaso- res duorum dominorum tractetur in comitatu. Et hoc duello fiat, nisi in eis ramanserit. Et volo et precipio, ut omnes de comitatu eant ad comitatus et hundreta, sicut fecerunt in tempore regis Eadwardi ; et non remaneant propter aliquam pacem meam vel quietudinem, quin sequantur placita mea et iudicia mea, sicut tunc temporis fecissent.

A simple reading of this writ shows that it falls into two distinct parts. The first, down to the sentence beginning "Et si amodo exurgat," deals with what has been commonly called "the restoration of the ancient courts."¹ Restoration is a somewhat ambiguous word. It may mean no more than that the courts had fallen into disorder in the matters of time and place, or it may mean that they had fallen into decay and disuse, and so needed to be restored as a system. It is evident, I think, from the language of the writ that only the first can be meant. The writ shows clearly that these courts have been meeting constantly, indeed it would seem to be implied that they have been meeting too often, and this inference is strengthened by the form of statement in the *Leges Henrici VII.*, 1,² where this writ is referred to. The practice against which this order is especially directed would seem to be the abuse of his position by the sheriff to order the meeting of the local courts at unusual times

¹ See Stubbs, *Cons. Hist.*, I. 425 ; Liebermann, *Trans. Royal Hist. Soc. N. S.*, VII. 93 ; "rétablissant les cours de comté." Bémont. *Rev. Crit. Hist. et Lit.*, XXXIII. 469 For the text see also *Hist. MSS. Com.*, XII., App. IX., p. 119.

² Stubbs, *Select Charters*, 105.

stated as follows : the case is to go into the county court, but there need be no fear that this subjects it to the old Saxon methods of trial ; the court is the king's, not the old popular court, and the Norman method of trial is preserved. If this interpretation is correct, the sentence implies that this arrangement was not entirely new, but had been of long enough standing at least for this question of procedure to arise and to make it seem to the king advisable to give it a formal answer.

The last sentence of the writ, that which concerns attendance at the local courts, seems to get in this way its most natural interpretation also. Its essential point is that no liberties or immunities are to excuse from attendance when king's pleas are to be tried, that is, when the king's justice is present, exactly the later regulation for the itinerant justice court in the county. If we turn again to the passage in the *Leges Henrici* c. VII., which a few years later made use of this writ and enlarged upon it, we find some confirmation for this interpretation. VII. 2 states the composition of the county court in terms which, while different in detail, remind us strikingly of those used in the writ of Henry III., of 1231,¹ which is usually used as typical of the composition of the county court which met the itinerant justices in the thirteenth century, and they appear to include the same classes with the possible exception of the burgesses. It is hardly possible to suppose that this is the every-day shire court under the sheriff, acting merely as sheriff. The presence of the bishop is particularly noteworthy. If the ordinary interpretation is to be given to the writ of William I. separating the spiritual and temporal courts, the presence of the bishop in the ordinary county court would not be easy of explanation. If this is a king's court held in the county, his presence is natural and to be expected. This interpretation is rendered almost necessary by the first words of VII. 3 : "*Agantur itaque primo debita veræ Christianitatis jura ; secundo regis placita.*" This court, whatever it is, tries cases which affect the Church. Apparently we must conclude that this is a king's court, in which case the statement presents no difficulty ; or we must modify in a very decided way our understanding of William's legislation on this point, an alternative which is not easy in view of the clearness of the language in which that is expressed.

If this were the whole of the case, I think we should be led to conclude with a good deal of probability that the itinerant justice system had been in operation, as a fairly regular and organized system, from an early date in the reign of Henry I. It is possible

¹ Stubbs, *Select Charters*, 358.

DOCUMENTS

1. *George Rogers Clark and the Kaskaskia Campaign, 1777-1778.*

THE transcripts of the following documents are kindly furnished by Secretary Thwaites, of the Wisconsin State Historical Society, from the George Rogers Clark papers in the extensive Draper collection. This collection includes more important material, among the documents being the original of Clark's Memoir. From the original documents of a single year a few have been selected to show the kind of material on which Clark based his Memoir, and are of value, therefore, not only in the detail which they furnish for our understanding of the campaign, but also in the light they cast upon the authority of the Memoir itself.

Attention may be called to the use which was made of this collection in the paper on "Western State-Making in the Revolutionary Era," published in the first volume of the *AMERICAN HISTORICAL REVIEW*. In the *Report of the American Historical Association* for 1895 were reprinted many documents from the same collection bearing upon the relations between George Rogers Clark and Genet. The present installment deals principally with the conditions immediately preceding and following the capture of Kaskaskia in 1778. In the *REVIEW* for October, 1895, I. 90, were published the intercepted letters and journal of George Rogers Clark, 1779, from the Canadian archives.

FREDERICK J. TURNER.

1. GEORGE ROGERS CLARK TO [PATRICK HENRY?] ¹

Sir — According to promise I haste to give you a description of the town of Kuskuskies, and my plan for taking of it. It is situated 30 leagues above the mouth of the Ohio, on a river of its own name, five miles from its mouth and two miles east of the Mississippi. On the west side of the Mississippi 3 miles from Kuskuskies is the village of Mozier, [Miseré — St. Genevieve] belonging to the Spaniards. The town of

¹ Draper MSS., 48J13. This is a copy; the original is lacking. The following note precedes the copy: "Copy of an old and much decayed letter of Genl G. R. Clark, written plainly in the summer or fall of 1777, and very likely addressed to Gov^t Pat^r Henry. It is transcribed as fully as could be done — as the original has been wet, and is much worn and faded. L. C. D[raper]." In his Memoir Clark states that he communicated his views to Patrick Henry, December 10, 1777: English, *Conquest of the Northwest*, I. 468.

march to on my arival in that quarter — Col^o. Bowman I Expect will send and Express to as Soone as he gits out — I am Dear Col^o.

Yours for Ever god bless you —

WM BAILEY SMITH

VI. JOHN CAMPBELL TO GEORGE ROGERS CLARK.¹

PITTSBURGH June 8th 1778

Gentlemen

As the Opportunitys from the Seat of War and Congress into your Country is so very seldom and the late Accounts from Europe are so interesting I can not refrain from communicating them to you tho I am necessiated to be concise the bounds of a letter not admitting of any thing more

The 26th of May last we Celebrated the Joyfull News here with the Discharge of Thirteen Pieces of Canon and a Tripple discharge of Musquetry

On or about Christmas Eve last Two Treatys were concluded between the Plenepotentiarys of the United States of America and The French King whereby the French King cedes all North America and the Bermudas Islands to the United States of America and declares their Independence will Trade with them and protect their Trade The Americans are under no Restrictions whatever except they shall not return to their Dependance On Great Brittain these matters are made known to the British Court by the French Ambassadors the Consequence is that Brittain has recalled ther Ambassador from France and Ordered theirs Home. Therefore we daylay expect to hear of War being Declared between the two powers and consequently We must assist France. Lord North has moved for Conciliatory Methods with America and two Acts of Parliment are passed one Suspending several Acts of Parliment or rather explaining the right of Taxation in America and the Other Appointing Commissioners to Treat with the Americans both of Which according to the Way they are now understood by Us will be rejected with the Contempt they deserve.

General How is said to be on the Wing from Philadelphia and I hope to have the pleasure of informing you soon that there is not a British Soldier except Prisoners on any part of the Continent of America. M^r. Wells is just waiting he can inform you of some of the particulars of these Glad Tidings to whom I must refer you and am

Your Hum^l Servt.

JOHN CAMPBELL.

[*Superscription* :] Col. George Rogers Clark In His Absence to the Inhabitants of Kentuckey.

¹ Draper MSS., 48J22. This is doubtless the letter mentioned by Clark in his Memoir (English, I. 474) where he speaks of his hope of attaching the Illinois French to the American interest, and adds, "fortunately I had just received a letter from Colonel Campbell, dated Pittsburg, informing me of the contents of the treaties between France and America."

consequent obligé de voyager dans les differens postes de ces pays pour faire Subsister ma famille, ma mauvaise Etoile ou pour mieux dire lhabitude annuelle ou je Suis de commencer mes voyages dans ce temps ont causé mon malheur et Suivant le bruit public mes Ennemis Jaloux des peines que je me donne pour me procurer une heureuse mediocrité ont profité de mon absence pour me noircir et me metre mal dans lesprit des personnes dont je nai pas L'honneur d'être connu bien persuadé que ma conduite passée et celle avenir vous etant connue une fois vous me rendrez la justice qui est due a tout bon Sujet Soumis Je Crains que dans le premier instant les faux raports de mes Ennemis ne portent quel quateinte a ma fortune Seul objet de leur haine, dailleurs ayant entre les mains les affaires de defunt M^r Viviat colloquées avec plusieurs personnes des Caskakias et qui demandent ma presence. Jose vous Suplier Monsieur devouloir bien maccorder un Sauve conduit pour me transporter en mon domicile afin quen vertu dicelui je puisse me laver des accusations que lon vous afait contremoy et vâquer aux affaires qui mappellent au dit lieu Cest lagrace quespere de vous le Sujet le plus Soumisqui a L'honneur d'être avec le plus profond respect

Monsieur

Votre tres humble et tres

obeissant Serviteur

A S^t Genevieve

CERRÉ

le 11.^e Juillet 1778Monsieur G.^r Clark

[On backing:] Letters Inclosed in one Cover To Col^o Clark July 11th 1778.

[Translation.]

Monsieur

I was extremely chagrined that I was not at home at the time of your arrival at Kaskaskia. I would have had the honor of giving you proofs of my entire submission to my superiors But my profession being that of a merchant, and consequently obliged to travel to the different posts of this country to make a living for my family, My unlucky star, or to speak more correctly, the annual habit I am in of commencing my journeys at that time caused my misfortune.

According to public rumour my enemies jealous of the efforts I make to obtain a comfortable mediocrity, have profited by my absence, in order to blacken me and destroy me in the opinion of persons to whom I have not the honor of being known; well persuaded that my past conduct and that to come being once known to you, you will render me the justice that is due to every good and submissive subject.

I fear that in the first moment the false reports of my enemies may cause injury to my fortune, the only object of their hatred, besides having in my hands the affairs of the deceased Mr. Viviat to arrange with several persons of Kaskaskia and who require my presence.

I venture to solicit you Monsieur to have the goodness to grant me a passport to go home in order that I may be able to clear myself of the accusations that have been made to you against me, and attend to the

X. GEORGE ROGERS CLARK TO MESSRS. [?] ¹KASKASKIAS 24^{me} Juilliet 1778*Messieurs*

Je recu ce matin vos Lettres des plaintes de chaque'un et je suis fachez de trouvez qu'il y'a des difficultie occassionez par de vue d'interets dans La commerce, par des individu parmi Les Savages si nuisible au Paix et tranq[ui]llité de notre paiez J'espere Messieurs que vu prendrai en consideration, que ce le devoir de chaq'un de nous de supprimer Les insults des savages des une aux autres qu'enfin le desir de gagné n'occasion pas une Division parmi nous. Commes des gens Libre nous-avons Droit de faire une commerce Legitime sans etre Sujets aux insults d'un fier citoyen, Mais ni pas sur Les possessions on bien d'autres [sans leur] consentment, J'ai appris que Le voiture de Mons [MS. torn] etait sur Le Mississippi apré traitté, Si [MS. torn] comme une faut enver Monsieur M^cCarty ² il est oblige [de] repondre pour sa conduite. Monsieur M^cCarty rendrai Les Butins de Monsieur Gagné, Mais pour L'aranger L'affaire ou Les dispute a L'amiable, Capt Cecire nommerai une persone pour agir avec Lui — au nomme de La republique et chaq'un des disputants, prendront deux personnes pour terminer Leures disputes par arbitration — une coppie de Leur decissions me serai envoye pour etre approuver et si je L'approuve sa sera final Je suis

Mess^{rs}

Je Certifie La traduction cy dessus Votres humble Serviteur

Juste et veritable selon L'intention

de celle ecrite en Anglais par M^r G :

Signé

R : Clark Comm^l des illinois etca

G. R. CLARK

etca etca —

Hansen

[Translation.]

KASKASKIAS, July 24, 1778.

Messrs.—

I received this morning your Letters complaining of one another and I am sorry to find that there are difficulties occasioned by the consideration of commercial interests, by different persons among the Savages so hurtful to the Peace and tranquility of our country. I hope, sirs, that you will take it into consideration, that it is the duty of each one of us to suppress The insults of the savages toward any one [of us] and also that the desire for profit will not occasion a Division among us. As Free people we have Right to carry on a legitimate traffic without being subject to the insults of a proud citizen, But but none over The possessions or goods of others [without their] consent. I have learned that The Conveyance of Mons[ieur] [MS. torn] was on The Mississippi

¹ Draper MSS., 48J26.² This is probably the trader Richard McCarty, whose letter to DePeyster gave information of the capture of Kaskaskia (*Mich. Pioneer Colls.*, IX. 368). He afterwards accepted a captain's commission under the Americans. There are numerous letters from him in the Draper MSS. and in the *Calendar of Virginia State Papers*, e. g., I. 379. Cf. English, I. 278.

Besides there is still a deduction amounting to Sixty five livres in peltry agreed upon with Mr. de Rocheblave for the bones that were found in the pork that I bought of him.

I dare hope, Sir, that by reason of your equity you will certainly endorse these sums on the aforesaid note, and give some one your orders to receive the remaining fifty one livres ten Sols I have the honor of being with respect, sir, Your very humble and very obedient Servant

H. PERRAULT

At St. Louis the 23 July 1778
To Colonel Clark commanding at the Cas. [caskias]

[*Superscription* :] Colonel Clark Commander at the Caskaskias.

XII. WINSTON TO OFFICERS.¹

Sir

I am to acquaint you that there is Something Incomprehensible a Carrying on in Town this night tis Suspected that Cerré² is this Night in Town [MS. illegible] of M^r. Lé Chance this I give you from mere hearsay and the Maneuvres I See Slightly Carried on by the People in the Dark

I am Sir Yours and the States
Truely Faithfull friend and
Hum^{le} Serv^t.

RICH^d. WINSTON.³

[*Superscription* :] To The Office of the Guard Fort Clark

XIII. MEMORANDUM BY GEORGE ROGERS CLARK.⁴

On our first taking possession of the Illinois in 1778 having no public money to advance, to the Commissaries Quartermasters etca I generally examined their Accounts and gave Bills of Exchange on Government for the amount this was the practice for some time but engrossing too much of my attention on business of greater moment to the public I complained of it and Cap^t Shannon was appointed by Order of the Governor Conductor General etca I then had no further business with accounts in that department (nor knew very little about them) Purchases, Issues etca etca was then immediately under his direction for the payment of which he drew Bills on me and I countersigned [countersigned] them but never looked at his Accounts. I know that he was obliged sometimes to barter a good deal to procure necessities as he had Orders to make use of every means to collect what Stores he could as we had by the expectation of the assistance of the Kentucky Militia a designe of taking possession of Detroit what Posts I was at when I signed the Bills in contemplation I do not remember as I was too deeply engaged in my mili-

¹ Draper MSS., 48J28.

² See the letter from Cerré *ante*.

³ Richard Winston was afterwards Todd's lieutenant.

⁴ Draper MSS., 48J29. This illustrates the kind of difficulties which led to the contest between Clark and Virginia over his unsettled claims.

Indians but made Lite and not so compleat ; their has been some Indians of the sack¹ Nation here, which I despatched A few days ago with them caime one cheif and another of the Iwayo² Nation which had never been in, their complyance has not satisfyed me with a Regard to peace, as they confess³ to me that their principal cheifs whear gone to Montreall to fight against the big Knife. I sent them off and gave A Kag of Rum and told them to go and hold a counsel with their Nation and give them choice which side to join with — Drinking their Health with the Rum.

My Compliments to the Gentⁿ Officers, Includeing M^r Camron

I am D^r S^r your most Obd^t friend and Hle Sar^t

Jo^s BOWMAN.

[*Superscription* :] G. R. Clark Col^o and Commander in Cheif of the Islinois Country Kuskuskia pr Cap^{tn} Winston

XV. JOHN BOWMAN TO [GEORGE ROGERS CLARK].³

HARRODSBURGH October 14th 1778.

Dear Sir

This day I Receved yours by W^m Miers, and with deficulty I shall furnish him with a Horse to Ride to the Settlement on.

The Indians have Pushed us hard this Summer, I Shall onley Begin at the 7th of Sep^r when three Hundred and thirty Indians with 8 French Men Came to Boonesburg Raised a flag and Called for Cap^t Boone who had Lately Came from them, and offred Terms of Peace to the Boonesburgh People. Hearing that the Indians Gladly Treated with you at the Illinoi, gave them Reason to think that the Indians were Sincear ;⁴ two days being taken up in this Manner till they Became Quite fimeleyer with one another ; but finding the Boonesburgh People would not turn out, and having Col^l Calloway Maj^r Smith, Cap^t Boone Cap^t Buchanan, and their Subalterns Eight in Number, in the Lick, where they had their Table, (you Know the distance about 80 yards) the Indians Getting up, Blackfish made a long Speach, then gave the word go, Instantly a Signal Gun fired, the Indians fastened on the Eight men to take them off, the white People began to Dispute the Matter, tho unarm^d and Broke Loose from the Indians though there were two and three Indians to one White Man. In Runing the above Distance upwards of 200 Guns fired from Each Side and yet Every man Escaped But Squire Boone, who was Badly wounded though not Mortally he got Safe to the fort. On this a hot Ingagement Insued for Nine days and Nights constant fire with out any Intermission. No More damage was Done however But one Killed and two wounded. The Indians then Dispersed to

¹ Sauk.

² Ioway?

³ Draper MSS., 48J42.

⁴ This is an interesting contribution to the explanation of this episode in the siege of Boonesburgh. See Thwaites, *Daniel Boone*, 161, 166, and *Ranck, Boonesborough*, Filson Clrb Publications, No. 16. On Colonel John Bowman, see English, index, *passim*.

The letter was on board an American trader, which sailed from Bordeaux soon after February 17, 1781, and was captured by the *Terror*, an English privateer, on March 1, following, in latitude 30° N., longitude 20° W.

R. G. MARSDEN.

Triplicata.

A VERSAILLES le 7 Août, 1780.

J'ai reçu, Monsieur le Marquis, la lettre que vous m'avez fait l'honneur de m'écrire de Watertown le 2 May. Celles que vous m'avez adressées de Boston ne me sont pas parvenues, le capitaine qui en étoit porteur ayant été chassé par un corsaire françois qu'il jugeoit anglois, a pris le parti de jeter ses paquets à la mer. Ce n'est donc que par son rapport verbal que nous avons appris votre arrivée à Boston et la sensation que vous y avez faite. Elle sera toujours la même partout où on vous connoitra.

Je ne vous fatiguerai pas, Monsieur, de détails politiques et de spéculations de guerre ; c'est de vous que nous attendons des lumières, et j'espère que nous ne tarderons pas à apprendre l'impression qu'auront faite sur le Congrès et sur le général Wasington¹ les avis dont vous étiez porteur et les secours qui ont été conduits par Monsieur le chevalier de Ternay. Je souhaite qu'ils soient arrivés à tems pour faire changer la face des affaires dans vos contrées. La prise de Charles Town, qu'on nous avoit accoutumés à regarder comme une place de déffence, a causé d'autant plus d'étonnement ici que le nombre des deffendeurs, s'il en faut croire aux relations angloises, étoit à peu de chose près égal à celui des assaillans. Je répugne fort à croire qu'un relâchement de principes auroit opéré cette disgrâce. Les Anglois ne négligent rien pour persuader l'Europe que l'amour de l'indépendance est fort affoibli en Amérique et que le voeu le plus général est pour une coalition avec la mère patrie et pour rentrée dans son sein. Je serai le dernier à croire à cet étrange phénomène, mais si les Américains ne mettent pas plus de vigueur dans leur conduite on sera forcé à croire qu'ils ne tiennent que foiblement à cette indépendance pour laquelle ils ont montré tant d'enthousiasme dans le principe de la révolution. Si nous jugions la fermeté de la nation en général par le peu de zèle que nous remarquons dans ses agens pour la chose publique nous en aurions une bien mince opinion. Nul concert, nul accord entre eux. Chacun n'est occupé que de ses passions ou de ses chétifs intérêts. Vous vous rappellerez, Monsieur, que sur votre demande ainsi que sur celle de M. Franklin, le Roi a accordé quinze mille fusils et cent milliers de poudre. Le tout a été consigné au Port Louis, à la disposition des Américains. La frégate² l'*Alliance* devoit embarquer, si non le tout, du moins la majeure partie de ces effets. Cette frégate, d'abord sous les ordres du capitaine Landais, avoit été remise, j'ignore par quel motif, au capitaine John. Le pre-

¹ Sic in original.

² The affair of the *Alliance* is a well-known episode. See Buell, *Paul Jones*, I. 294-306 ; Tower, *Marquis de La Fayette in the American Revolution*, II. 199.

3. *Portions of Charles Pinckney's Plan for a Constitution, 1787.*

THE writer of these lines has been preparing a series of "Studies in the History of the Federal Convention of 1787," intended to be submitted for publication in the next *Annual Report of the American Historical Association*. In the course of these studies he has attacked anew the problem of the Pinckney plan. Setting aside, for reasons duly stated, the document commonly called by that name, he has attempted, by critical methods which he believes to be more rigid than those hitherto pursued, and in part novel, to reconstruct the actual text of that long-lost project. For the results, it must suffice to refer to the (it is hoped) forthcoming paper. But when the investigation was nearly completed, chance brought forward an incomplete but contemporary text of the original document itself. As Pinckney's plan was not found in the journals of the Convention, nor among its papers, and as virtually nothing has been heard of its original text from July 24, 1787, when it was referred to the Committee of Detail, down to the present time, and as it has meantime been searched for with some interest, the discovery has seemed sufficiently remarkable to justify one in asking that the document now found be printed at once in the pages of this journal.

On the day named the Committee of Detail, consisting of Rutledge, Randolph, Gorham, Ellsworth, and Wilson, was appointed, and Pinckney's and Paterson's propositions were referred to it, along with the resolutions which up to this time had been reached by the Convention. These last, twenty-three in number, are to be found gathered together in the official *Journal*, ed. 1819, while the document that emerged as the result of the committee's deliberations, the Report of the Committee of Detail, has often been printed. Intermediate between these two, and marking successive stages in the committee's work, stand three documents. First, there is that paper in Randolph's handwriting of which Mr. Meigs has printed a facsimile in his *Growth of the Constitution*, and which he has conclusively proved (pp. 317-324) to occupy the position which we are here assigning to it. The other two are drafts in the handwriting of James Wilson, preserved in the manuscript collections of the Historical Society of Pennsylvania. Mr. Meigs has referred to them, or to one of them; but says no more than that "it was evidently drawn at a much later stage of the committee's labors" than the Randolph document, and that "indeed they must have been at that time pretty nearly ready to report, for it is extremely similar to the draft actually reported." This seems rather to apply to the second, or later, of the two papers actually existing among the Wilson manuscripts.

As the investigation above alluded to was drawing to its close

to commission all Officers, and keep the Great Seal of U. S. — He shall, by Virtue of his Office, be Commander in Chief of the Land Forces of U. S. and Admiral of their Navy — He shall have Power to convene the Legislature on extraordinary Occasions — to prorogue them, provided such Prorogation shall not exceed Days in the Space of any . He may suspend Officers, civil and military.

The Legislature of U. S. shall have the exclusive Power — of raising a military Land Force — of equipping a Navy — of rating and causing public Taxes to be levied — of regulating the Trade of the several States as well with foreign Nations as with each other — of levying Duties upon Imports and Exports — of establishing Post-Offices and raising a Revenue from them — of regulating Indian Affairs — of coining Money — fixing the Standard of Weights and Measures — of determining in what Species of Money the public Treasury shall be supplied.

The foederal judicial Court shall try Officers of the U. S. for all Crimes etc in their Offices.

The Legislature of U. S. shall have the exclusive Right of instituting in each State a Court of Admiralty for hearing and determining maritime Causes.

The Power of impeaching shall be vested in the H. D. The Senators and Judges of the foederal Court, be a Court for trying Impeachments.

The Legislature of U. S. shall possess the exclusive Right of establishing the Government and Discipline of the Militia etc. and of ordering the Militia of any State to any Place within U. S.

4. A Letter of James Nicholson, 1803.

WHEN the friends of George Clinton began, as early as 1803, to work for him for the vice-presidency at the next election, his political enemies charged him with having been hostile to Jefferson and friendly to Burr in the campaign of 1800.¹ To meet this charge James Nicholson wrote out a somewhat detailed account of the manner in which Burr came to be nominated in 1800, and indicated the exact share that Clinton had had in that transaction: this account was handed over to Clinton to be used as he thought best. Early in January, 1804, there was some talk of publishing the statement of Nicholson,² but, so far as is known, this was never done. Copies of this statement, which Clinton said was substantially correct, although it ought to be improved in style for Nicholson's sake, are to be found in the George Clinton papers³ in the state library at Albany, and in the De Witt Clinton papers⁴ in the library of Colum-

¹ Robert Smith to George Clinton, Nov. 22, 1803. George Clinton MSS., XXVIII. 7233.

² Geo. Clinton to De Witt Clinton, Jan. 2, 1804. De Witt Clinton MSS., Letters to De Witt Clinton, 1785-1804.

³ Geo. Clinton MSS., XXVIII. 7250.

⁴ De Witt Clinton MSS., Letters to De Witt Clinton, 1785-1804.

his sense on the Subject. He appeared agitated declared he would have nothing to do with the business that the Southern States had not treated him well on a similar occasion before, that he thought their promise could not be relied on and that he would not give up the certainty of being elected Gov^r to the uncertainty of being chosen V. P. He then immediately left the room and two Republican Gentleⁿ in whom I had confidence came in I mentioned to them my business and also, I think, shewed them the letter and informed them of my communications with Gov^r Clinton and Col. Burr respecting it One of them declared with a determined voice that Col. Burr should accept and that he was obliged to do so upon principles which he had urged at the late election for members of assembly that all personal Considerations should be given up for the good of the Public Upon this they left the room and shortly after returned in company with Col. Burr after which some general conversation took place upon this subject and Col. Burr with apparent reluctance consented. Being well persuaded of the disinclination of Gov^r C. to accede to the office I then altered the letter into an unqualified declension on his part and also stated Col. Burr's assent which letter so altered being approved of by Col. Burr I sent it on by the Mail Some short time afterwards I communicated this proceeding to Gov^r Clinton and so far from his having exhibited any displeasure on the occasion he appeared happy in having got rid of any further concern in the affair. And if in my alteration of the letter I had misunderstood his views and wishes he had sufficient time to have notified the error previous to the final nomination of the Candidates.

Observing in some late publications Gov^r Clinton's views and conduct with regard to the Vice Presidency entirely misrepresented I have thought it an Act of Justice to give this narrative to be made such use of as may be thought best calculated to repel the unmerited charge against him.

JAMES NICHOLSON.

Dec^r 26th 1803.

The essay on "Thomas Hutchinson, Last Royal Governor of Massachusetts" is easily the best number in the volume. The essays of the second volume are less historical, less biographical, and more literary, more personal. Four of the ten essays deal with historical subjects; six treat of philosophical or literary matters. Walking and talking with heroic masters like Huxley, Tyndall, and Spencer in the domain of evolutionary philosophy, Dr. Fiske is indeed "in favorite fields." Even the alien in that realm feels the charm of his reminiscences of the great leaders, and of his broad, sane views of the progress and meaning of evolution. "Herbert Spencer's Service to Religion," "Reminiscences of Thomas Huxley," and "The Deeper Significance of the Boston Tea Party" are the best portions of this second volume. They illustrate at once Dr. Fiske's remarkable power of sympathetic appreciation of men in their times and places, his grasp on the profounder meaning of incidents, and his ability to state in lucid, interesting fashion his matured personal judgment.

"Connecticut's Influence on the Federal Constitution," the fourth essay in the second volume, certainly obtains the reader's attention under false pretenses. The exceedingly important part played by the delegates from Connecticut at a dangerous point in the proceedings of the Convention of 1787 cannot be too carefully demonstrated; the title invites expectation of a critical study from the author of *The Critical Period of American History* of some of the obscure but potent forces shaping the destiny of the nation. Were the arguments used by Ellsworth, Sherman, and Johnson to secure adoption of their compromise plan drawn from their experience with a "federal system" in Connecticut? Or were they mainly drawn from their patriotic Yankee common sense to meet a crisis? Were these arguments really very effective with the Convention, which failed by a tie vote to defeat the scheme for equal representation in the Senate? How much credit should be given Baldwin, of Georgia, a recent emigrant from Connecticut, who disbelieved in the desirability of the compromise that nationalized some features of the Connecticut "federal system," and yet voted for the compromises as something better than failure? Not a ray of light is cast on any such problems by the essay. It was designed for local consumption, not for general use. Hence discussions of the growing interest in American history, of the Puritan spirit, of the Connecticut migrations, of the Fundamental Orders of 1639, and of the union of Connecticut and New Haven consume six-sevenths of the essay, the proceedings and arguments of 1787, the only real evidence in the case, being disposed of in three pages.

These two volumes demonstrate anew that the publication of popular lectures in the form in which they were delivered is always risky and sometimes unfortunate. Some of the qualities which make such lectures successful, the elaboration of incident, the gossip, the familiar colloquial humor, do not lend charm or force to the printed page. A little slang, such as now and then appears in these essays (Vol. II., p. 59, for ex-

the discussions of debated subjects. The conclusions reached are unusually sound, but if one differs from the author the bibliographies and references place him in a position to pursue the question farther on his own account. The treatment of "history as literature" (in Chap. I.), "the facts of most worth" (Chap. IX.), and "taking notes" (in Chap. X.) must appeal to the great body of teachers. Towards the end of the first part the author says, "As the first principle of method is the teacher, so also is the last principle." And, after all, the entire book is a plea for better-trained teachers of history, and it shows well the necessity of such training, if the work is to be successfully done. In the second part of his book Professor Bourne lays himself open to criticism. One might object to the proportion of space devoted to the various periods; for example, over one-third of the whole is given up to ancient history. In view of the very general acceptance of the *Report of the Committee of Seven*, one might regard as unwise the placing of the limits of medieval history at 395 A. D. and 1560, and the rearrangement of modern European and early American history in such a way as almost to obscure the history of England. These criticisms, however, would not vitiate the value of the work, for the author disclaims any intention of marking out rigid courses of study and just because they represent a new point of view the suggestions made are all the more helpful to one who would distribute the matter in a different way.

A more serious objection might be made to one man's attempting to cover so many fields. Taking, for instance, subjects with which the reviewer happens to be more familiar, he notes the failure to mention Larned's *Literature of American History*. A specialist in American history would have known that the work was in press and, since other forthcoming books are noted, would have included a reference to this. In the treatment of England's relations to her American colonies no mention is made of Beer's *Commercial Policy of England*, for the teacher perhaps the most helpful treatise upon this subject. And in the references for western emigration Professor Turner's articles are omitted, which are the most important of all for this feature of American development. Such omissions are regrettable, but there are compensating advantages in the unity of treatment from all subjects' being covered by the same person, and it must be said that the work as a whole has been well done.

MAX FARRAND.

The Economic Interpretation of History. By EDWIN R. A. SELIGMAN.
(New York: The Columbia University Press; The Macmillan Co. 1902. Pp. ix, 166.)

THE purpose of this book, which is a reproduction with a few unimportant changes of the author's articles in volumes XVI. and XVII. of the *Political Science Quarterly*, is to familiarize American readers with a solution of the problem of social dynamics, which has been engaging the lively attention of thinkers in Europe during the past few decades. The

tility aroused by the writings of the founder of "scientific socialism" led Marx and his follower Engels to overstate the importance of their historical doctrine. But with a more favorable reception the earlier crude form has been modified, so that its supporters no longer claim "that the economic relations exert an exclusive influence, but that they exert a preponderant influence in shaping the progress of society."

Although the historical student is skeptical about the value of any attempt, such as this of Marx and his school, to find the causes of historical change in any particular succession of phenomena, to say nothing of its feasibility, he reads with great interest this complete and able exposition of the most instructive and interesting theory of social dynamics. Professor Seligman maintains throughout the book an attitude of impartiality, and with a complete mastery of the subject and its literature covers the whole field of the controversy, exposing satisfactorily the weaknesses and the strength of the theory, so that the book must be regarded as a distinct contribution to the philosophical side of historical literature.

C. W. ALVORD.

Democracy and the Organization of Political Parties. By M. OSTROGORSKI. Translated from the French by FREDERICK CLARKE, M.A., with a preface by JAMES BRYCE, M.P. (New York: The Macmillan Co. 1902. Two vols., pp. lviii, 627; xliii, 793.)

THIS book is by far the largest treatise that has yet appeared upon a subject which has been growing in importance for nearly a century. The author has been engaged upon the work for many years. He has not only made a thorough examination of the material available, but he has also spent a great deal of time in talking with public men of all kinds in England and America; and, in fact, students interested in the subject have long been looking for the book. The first volume treats of England, the second of America, and they are, in reality, separate treatises; for, although the author makes in the American part an occasional comparison with the condition of things in England, these references are few, and there is no systematic attempt to treat the phenomena of parties in the two countries as different aspects of a single problem.

The first volume begins with a description of the condition of England in the eighteenth century — the old unity, as the author calls it. Then follows an account of the breaking up of the old society, the attempts at reaction, and the definite triumph of the new régime. This part of the book, which covers a little over one hundred pages, is interesting and suggestive. Then the main theme is taken up, beginning with the origin of political associations and party organization, leading up, of course, to the establishment of the Birmingham caucus, and its development into the National Liberal Federation. The author next takes up the development of the conservative organization, and afterwards describes in great detail the party machinery, and the methods of

dency to attribute to the machine more power than it really possesses. M. Ostrogorski's own observation is keen and his own opinion is probably accurate, but the work is likely to produce a false impression on the reader. In one of the best chapters of the book (Chap. 7, Sec. II.), on "The Politicians and the Machine," the author points out why the amount of injury actually done by the machine to the life of the nation or of the city is not greater than it is, and how its evil influences are limited; and in the summary at the end of the book (pp. 554-557) he shows us very clearly that he does not fall into the common error of thinking that all the legislation of the country is directed by the machine. But although, as in the case of England, he shows us that he has the facts in his hand, he does not seem quite to grasp their meaning. He does not appear to see that the machine in this country does not quite fill all the place that it appears to fill; that, while it degrades politics, its influence upon the social and economic life of the country, and even upon the growth of the law, is not so large as a superficial observation would lead one to suppose.

There is one special criticism that may be made upon the American part; and here, again, it is a criticism of the impression made by the book, and not of the correctness of the facts as they lie in the mind of the author. He shows us by some of his remarks how well he knows that the condition of the machine differs in different parts of the country; that many states have never had a boss at all, and that others have had one only intermittently. Yet he describes the boss system in such a way that a careless reader would suppose it universal and, in fact, he portrays the condition of things in the worst places as if he were depicting a fair type or sample of the whole. The effect thus produced is of course unintentional, but it leaves the impression on the mind of the reader that the author is speaking in a tone of exaggeration throughout.

M. Ostrogorski's suggestion of a remedy is one that he has foreshadowed through the latter part of the book. It consists in the substitution of temporary leagues, formed to promote particular objects, for permanent political parties organized to control the offices of state. These leagues would, of course, be voluntary. They would be formed and dissolved at the pleasure of their members to meet the exigencies of the times. Union, as he puts it, would thus be substituted for unity, and he sees signs that such change is already coming. A political evolution is beginning to take place, he tells us, with the cry "Down with party and up with league!" and to the evolution of such a movement he looks for the salvation of democratic society.

For the benefit of scholars who prefer to read books in the original tongue it may be added that although the title-page states that this work is translated from the French, we understand that no French edition has yet appeared, or is likely to do so in the immediate future.

A. L. LOWELL.

scripts together with emendations of their own and of other scholars. There is, I believe, no variation from the text as printed by Stubbs in the *Select Charters* which makes any change of great importance in the meaning of a passage, but we may now have the confidence which comes from knowing that we have the best there is, in fact that we have all there is.

If one hesitates to find any fault where there is so much to be grateful for, regret at least may be expressed that the editors did not see fit to develop at greater length that portion of their introduction which deals with the manuscripts and with the formation of the text, and give in some detail the reasons for the conclusions which they reach. A knowledge of the genealogy of the manuscripts, of their relation to a lost original and to one another, is so important to the user of a text edition, and a full understanding of the evidence on which the editor's results are based adds so much to confidence and saves so great an amount of time unnecessarily expended if for any reason the reader feels obliged to work out the evidence for himself in the at best imperfect way possible from a printed text, that several more pages might profitably have been added to the introduction to contain these points. Unfortunately the manuscripts do not seem to have made possible a complete genealogy, and yet one cannot avoid the feeling that there is here some unnecessary uncertainty, though possibly this feeling arises more from the editors' briefness of statement than from the facts themselves. The natural inference from the paragraph beginning on p. 2 is that the editors' final conclusion is that both X, the supposed original of C, and Y, that of R and N, "derive directly from the original text" with the possible existence of copies between them and the original. At the bottom of p. 7 they argue as if they had never said that X and Y probably derived directly from the original, but as if their first stated conclusion had been that one copy came between them and it. Theoretically at least, the situation ought to admit of something like a probable settlement of this question, which is of some importance as bearing on the other question of interpolations. There are fifteen passages in which the editors reject a reading which is common to all three manuscripts, and one at least of these, that on p. 136, where *quis* is read by all for *ciuis*, is interesting, though it may not be by itself conclusive.

It is a misfortune in this connection that the manuscript which is here called H, about contemporary with R, proves to contain no readings of value. The editors have apparently settled the question whether this manuscript is a copy of R or of R's original. The point is important to justify a more categorical statement than is made, but I understand their conclusion to be that H is a copy directly from R, though they refer without comment from their discussion to Mr. Hubert Hall's in the introduction to the *Red Book*; and his conclusion is that it is not a copy of R. Liebermann only says "perhaps a copy of R" in his brief note in the *Neues Archiv*, x. 594, and nothing more in *Ueber die Leges Henrici*, p. 11. If H were a third copy of Y, which is the alternative, then even bad readings might be of some value, but it seems definitely proved that

that the notes will distract the reader's attention. In a book primarily intended for the student it simply wastes time, and to this charge of wasting the time of other students, which the scholar surely ought to wish to avoid, the editors have rendered themselves doubly liable by not printing the page numbers in the notes in a type that will quickly catch the eye.

I would not be understood, however, to imply that the balance of the account stands on the debit side when it is all made up. We have far more to be grateful for than to find fault with in this book. The heaviest charge amounts to no more than to say that the editors have been too sparing of words in proving their conclusions. And even this does not apply to the historical portion of the introduction, which occupies 44 out of 53 pages and gives in detail the procedure of the exchequer, differing in some particulars from the account of the same matter given in the introductory volume of the series published by the Pipe Roll Society.

GEORGE B. ADAMS.

Historical Introductions to the Rolls Series. By WILLIAM STUBBS, D.D. Collected and edited by ARTHUR HASSALL. (New York: Longmans, Green, and Co. 1902. Pp. v, 534.)

FROM the point of view of the general history of England the introductions by the late Bishop Stubbs to the volumes of the "Rolls Series" which he edited are the most valuable of any in the series. They form almost a continuous history of England from the accession of Henry II. to the death of John, full of detailed descriptions of characters and events, and they also discuss in text or notes many important problems. It was a useful thought to put these introductions at the service of the general public by bringing them together in a single volume.

While, however, their mere republication as we have it here is welcome, it is greatly to be regretted that the editor should have confined his editorial duties within such narrow lines. A page and a quarter of preface and five pages of index include his entire contribution to the book. He has not added a note of his own, nor modified a note of the original. References to the best editions of particular sources in print at the time of the writing stand unchanged, though numbers of these have since been superseded by new editions. The bibliographical references are left in a form which is often deceptive, sometimes almost absurd, as in the note on the Pipe Rolls in print (p. 129). The entire literature that has appeared in the period since the original publication is passed over without mention, and the reader would never suspect from anything in this book that new light had been thrown on many of the problems discussed, or that in at least some places the author would surely have reached other conclusions, or phrase differently the statement of his views if he were writing now. It is detracting nothing from the great service which these introductions rendered in their time to the true understanding of English history to say that no one can regret their republication in this form more deeply than Bishop Stubbs himself would have

Beiträge zur Geschichte des spanischen Protestantismus und der Inquisition im sechzehnten Jahrhundert. Nach den Originalakten in Madrid und Simancas bearbeitet, von DR. ERNST SCHÄFER. (Gütersloh: C. Bertelsmann. 1902. Three vols., pp. xvi, 458; iv, 426; iv, 868.)

THE infinite historical wealth of the Spanish archives is gradually being utilized, but rather by foreign than by native scholars. Liberal as the government has been in throwing them open to seekers after knowledge, the vast masses of documents seem to exercise a paralyzing influence. The papers connected with the Inquisition alone are enough almost to benumb ambition. Don J. T. Medina, of Chile, is the only one of Spanish race who has sought to penetrate systematically into their secrets, and he has made good use of the results in elucidating the activity of the Holy Office in South America. In a more desultory fashion Padre Boronat and Don Manuel Danvila y Collado have used the archives to illustrate the history of the Moriscos, and Don Marcelino Menendez y Pelayo that of the heretics; Don Manuel Serrano y Sanz has also done good work of late in printing and analyzing documents illustrative of the early prosecutions of Illuminism and Mysticism; but it is to a learned German that we owe an illuminating view of one brief episode in the career of that institution, drawn from an exhaustive examination of the original documents.

The sudden development of so-called Lutheranism in Seville and Valladolid in the sixth decade of the sixteenth century and its prompt and stern repression have elicited an amount of attention on the part of Protestant writers vastly disproportionate to the real importance of the matter. It suited, at the time, the interest of the government and of the Inquisition to exaggerate the danger to the faith, and sympathizing historians have accepted and augmented these exaggerations, while indulging in exuberant rhetoric over the so-called martyrs. Dr. Schäfer has rendered a real service by searching among the records for such documents as remain concerning these events; he has studied them in every detail with true German thoroughness; and, while not concealing his personal sympathies as a Protestant, he has presented the facts in the clear, dry light of history. Before a scientific investigation such as this the legends of Gonzalez de Montes, transmitted by Llorente to McCrie and succeeding writers, shrivel into their proper proportions.

In his first volume Dr. Schäfer gives a sketch of the procedure of the Inquisition, followed by a clear and detailed account of the two little Protestant conventicles of Seville and Valladolid, which were discovered in 1857 and 1858. For these his materials are drawn almost exclusively from the records which he prints in the second and third volumes, partly in full and partly in abstract. His portion of the work is pervaded by a thoroughly sane and scientific spirit, while ample references are given to the documents on which the statements are based. Possibly a more extended acquaintance with the operations of the Inquisition might have

it prints a volume of miscellany, edited by its secretary. Some of the contents are of more than simply professional interest.

"The Book of War by Sea and Land, anno 1543," by Jehan Bytharne, is a brief account of the decorations of a ship of war, and of the signals then in use in the French, and perhaps also in the English navy. It has close relations with Philippe de Clèves's "Briefve Instruction de toutes Manières de Guerroyer," first printed in 1558 but written earlier, with a similar tract by Antoine de Conflans, and with the code of signals issued in 1517 by Charles V. for his first voyage from Flanders to Spain, printed by Captain Fernandez Duro in the first volume of his *Armada Española*. Next follows a somewhat important "Relation of the Voyage to Cadiz in 1596," by Sir William Slingsby, commissary-general of munitions. Mr. Julian Corbett explains how Slingsby's position as a friend of Raleigh rather than of Essex, yet a soldier and not a sailor, makes him impartial as between the two quarreling factions in the expedition, and gives his narrative value. It is accompanied by a facsimile of a remarkable and unique engraved chart of the Cadiz action, and by others which give the earliest exhibit we have of the system of squadronal flags. Then follows a translation of an unimportant Portuguese tract on Hawke's action in Quiberon Bay in 1759; and then, much more valuable, the journals of Captain Henry Duncan, who commanded the *Eagle* on the American coast in 1776-1778, the *Medea* in 1780 and 1781, the *Ambuscade* and the *Victory* in 1782. Duncan supervised the landing of British and Hessian troops which preceded the battle of Long Island, and gives many interesting details of the naval operations around New York and in Delaware Bay. The editor declares in a foot-note that "George Washington, Esquire," was at that time the ordinary English way of addressing officers of even the highest service rank, naval or military. Duncan's cruises in the *Medea* give interesting glimpses of American privateers; while his position as flag-captain in 1782 gives a peculiar value to his account of the relief of Gibraltar and the rencounter off Cape Spartel. It is, I suppose, an error to say (p. 123) that the form Brookland was at that time commoner than Brooklyn, for the name of the Long Island village.

Perhaps the most important letters in the volume are those which come from the papers of the first Lord Hood, especially those which state to Sir William Hamilton the embarrassments which Hood encountered at Toulon from the presence and conduct of the Neapolitan commander, Forteguerra, and those which explain Hood's supersession from the Mediterranean command in 1795. Interesting also are the letters of George III. to Hood, relative to the placing of the King's third son, afterward William IV., in the naval profession. The letters of Captain the Hon. William Cathcart, 1796-1804, are slighter in quality. Of the extracts from the journal of Thomas Addison, a minor officer in the service of the East India Company from 1801 to 1829, the most interesting part is that which relates to the capture of his ship by the *Marengo*, Admiral Linois, in 1805. Then follow a few papers on the seizure of Helgoland in 1807,

The new material at Mr. Lang's command concerns both the Gowrie conspiracy proper and its sequel, the Sprot-Logan affair. Believing rightly that the "infamous conduct of the Scottish Privy Council in 1608-9 does not prove that, in 1600, the king carried out a conspiracy in itself impossible" and which required for its success the coöperation of Gowrie himself, Mr. Lang makes the complete separation of the two a structural feature of his work. The new sources on the Gowrie conspiracy were found in the London Record Office!

A letter of December 5, 1600, from Nicholson to Cecil introduces a new character, Robert Oliphant, Gowrie's trusted retainer. The evidence, if accepted, proves that Gowrie had formed the plot as early as February or March, 1600, when he was in Paris; that he there asked Oliphant to play the rôle of turret-man, but was evaded; that Henderson was the man in the turret, had been trained by Gowrie to the part, but "fainted." Mr. Lang considers that Oliphant, "though entirely overlooked by our historians, was probably at the centre of the situation." The reader must decide for himself.

The "Vindication of the Ruthvens," printed in Appendix B, is a document long desired by historians. This sole constructive attempt at a consistent defense "destroys itself by its conspicuous falsehoods," and shows how very poor a case was the best the contemporary author could produce. Its evidence is also damaging, because on points of great importance it clashes with modern apologists. In particular, it admits the presence of Henderson at Falkland, and it omits to make capital out of the presence of the Murrays in Perth, as proving a royal conspiracy. It ignores their very existence.

Apart from the new evidence, the validity of Mr. Lang's conclusions with respect to the affair of 1600 depends upon his demonstration of the credibility of the King's witnesses by disproving the assumption of wholesale perjury. His case is strong. Their trustworthiness is defended on the broad ground that men not too dainty to take part in a conspiracy would not be too dainty to refuse to swear to essential points in the government's case,—yet not one deposed to Henderson's presence in Falkland. Further, Robertson, the Perth notary, who swore in September that he saw Henderson emerging from the readiest staircase to the turret, did not repeat this testimony in November, which might imply that perjury "was rather repressed than encouraged." That James published Henderson's narrative with full recognition of its variances from his own is well known. Lennox's credibility is of peculiar importance, for if James told Lennox, before reaching Perth, of the pot of gold, the theory of an accidental brawl is entirely destroyed. Why should Lennox swear falsely to the tale of the gold and refuse to swear to Henderson's presence at Falkland?

Mr. Lang accepts the King's narrative, with the exception of the murder theory, on the ground that it gives the sole explanation not demonstrably impossible; that it "colligates" all the facts and is corrob-

Historic Highways of America. By ARCHER BUTLER HULBERT. Vol. I. Paths of the Mound-Building Indians and the Great Game Animals; Vol. II. Indian Thoroughfares. (Cleveland, Ohio: The Arthur H. Clark Company. 1902. Pp. 140, 152.)

THE first feeling of the reader is that the two monographs of the series here presented lie too far in the remote haze of the prehistoric to be a fair test of the whole. Reference is confined to the Smithsonian reports of delving into mounds and early Indian works. These are supplemented by a few testimonies of "the oldest inhabitant" or pioneer remembrancer. The fact that the last part of the second volume, where the story comes so near the authentic beginnings of history as to concern travel into the trans-Alleghanian districts, impresses one as becoming more trustworthy is perhaps a good omen. When the author comes in later volumes to such present means of travel as the Erie Canal and the Cumberland National Road, no doubt this unsatisfactory uncertainty will become certainty and fact.

A certain disappointment will also be felt because the series promises to be rather a plea for the study of local highways than the fruits of such investigation. The task is described as "a long-neglected" subject; the pleasure of "such out-door occupation" is described; and possible candidates are assured that "the field-work required demands little or no expense and is not without pleasure and fresh romance." Such a plea that a given work should be done might properly have found audience in a monograph with a suitable title rather than in a series supposedly presenting the results of such labor. It is true that an exhaustive study of so vast a field would have grown to encyclopedic proportions; but the question is raised whether the result would not have been more satisfactory even with one topic thoroughly done. We should then have had a last word, a thorough and satisfying verdict, instead of a series of essays under the editorial "we," with comparatively few authorities consulted, a series which barely "blazes the way" through the woods of conjecture, leaving the surveyor and road-maker still to follow.

Another result of beginning the series at such an early stage, or making it so extensive that the commencement must be almost prehistoric, is that the author is compelled to assume the pre-defensive. Instead of instructive statement, he is forced into argument and pleading. "Perhaps," "possibly," and "it is probable" are the fruits of the comparative method in history. Such words as the following illustrate the author's method: "Fortunately, one last piece of evidence which will more than make up for any lack of conclusiveness which may be laid to the charge of the preceding arguments." It is to be hoped that this attitude may disappear from the later and less conjectural periods.

Occasionally the deduction from the arguments may be questioned. The maps of prehistoric remains in Ohio and Indiana, for instance, do seem to prove the thesis set forth that the builders lived in the river valleys; but the map for Illinois shows the larger number by far to be

troduced to show that the old Indian trails became in convincing number the first military highways, furnishing another link in the author's chain of evidence to show the antiquity of present routes and that such routes dependent on topography have remained unchanged from the remotest time of travel.

It is perhaps allowable to raise the question whether subsequent volumes might be improved in style by dropping the mannerism of introducing so many quotations with the inverted phrase, "Writes a Kentucky historian," or "Writes Mr. Allen." The absence of the editorial "we" would assuredly conduce to a smoother diction, and the same result would no doubt follow a longer period of digestion and assimilation of the whole for the sake of harmony both of statement and of style.

EDWIN ERLE SPARKS.

The American Merchant Marine. By WINTHROP L. MARVIN.
(New York: Charles Scribner's Sons. 1902. Pp. ix, 444.)

THIS is a sketchy and interesting volume whose "declared purpose is to present both the romance and the history of the American Merchant Marine." It has few of the qualities of history, for facts and deductions tumble over one another in the most confusing manner. Again (p. ix) "the author, out of this experience, has reached some positive convictions of his own, but it has been his honest effort to make these pages interesting and informing rather than controversial." As hardly ten pages pass without urging some controversy in a passionate way, this unconsciousness of any historic sense is naive, for the writer is candid. He opens with a spirited account of colonial ship-building and commerce, and the customary blundering condemnation of the Navigation Acts of Charles II. No other single cause helped the commercial and the whole industrial growth of New England so much as these Acts. He finds causes for the decline after 1720, but fails to notice the overwhelming cause in the enormous expansion of paper currency. He fails to describe the disastrous effects of the Sugar Acts.

In privateering, whale-fishery, and deep-sea fisheries the author is at home; and he brings out the true romance of the seas. The mail-ships and the clippers are depicted finely, and the high qualities of American navigators as well as ship-builders are duly set forth. The amazing statement is cited from the *New York Herald* that a "Black Ball liner" had "made 116 round passages in twenty-nine years without losing a seaman, a sail, or a spar" (p. 222). The Civil War in its inevitable consequences, and the change from sail to steam in the later nineteenth century, brought problems pretty difficult for all historians, and especially hard of treatment by our author's methods. The "ruin" of commerce, so freely ascribed to Toombs and his fellow-congressmen, had many causes, and the true results were not always apparent. Notwithstanding disasters from Confederate cruisers, our wooden fleet was pretty well sold. The capital of the Forbeses, Vanderbilts, and others brought fair returns, when laid down in iron rails, in spite of the "ruin."

be of political importance and became purely a question of ecclesiastical organization and religious significance. Such attempts were made, from the Restoration onward to the early years of the eighteenth century, through impulses originating in England; but they excited very little interest. With the foundation of the Society for the Propagation of the Gospel in Foreign Parts, in 1701, however, the chief center of interest in the matter was transferred to America, and its missionaries labored indefatigably for the establishment of an American episcopate, supported to a considerable extent by the representatives of the society at home. Such an episcopate was on the eve of being founded at the death of Queen Anne, and the society went so far as to purchase a residence for the bishop at Burlington, N. J. Had it not been for the death of the Queen and the consequent change in the political situation of England, a bishop for America would have been appointed. With Sherlock's accession to the see of London, in 1748, Dr. Cross connects the incoming of a considerable political element into the situation, and from that time onward to the Revolution political motives complicated the question to a high degree.

Dr. Cross gives a careful résumé of the "Mayhew Controversy," 1763-1765; the "Chandler-Chauncy Controversy," 1767-1771; the "Newspaper Controversy," 1768-1769; and the "Conventions," 1766-1775. The arguments on the several sides, advanced in the often heated and personal pamphlets of this period, are summarized with great thoroughness, and the situation is presented clearly to the reader. From a purely religious point of view, the author makes it evident that the weight of argument rested on the side of those who desired the establishment of an episcopate, and the reasons advanced by them were often not sufficiently or justly estimated by their opponents; but he also makes it no less clearly manifest that the establishment of bishops in the American colonies by act of Parliament, under whatever restrictions, seemed a real political peril in the embittered state of feeling antecedent to the American Revolution, and no guarantee could be given which would be satisfactory to non-Episcopal Americans that the powers of an American episcopate, if established, however moderate at first, would not be increased till they resembled those of the bishops of the mother-country.

The author is no less successful in showing why the movement for an American episcopate, which enlisted so strongly the efforts of the missionaries of the Society for the Propagation of the Gospel in Foreign Parts and of several English prelates, won little sympathy from the English civil authorities. He says: "English statesmen saw that they had nothing to gain and everything to lose by involving themselves in the episcopal question. They knew that bishops with purely spiritual functions settled here would avail them little, and would arouse fully as much odium as an out-and-out state establishment; and, moreover, that the dreaded state establishment would be resisted in the colonies, not only by the Puritans, but by the major part of the Episcopalians themselves. Some writers, as we

Rhode Island. Its Making and its Meaning. By IRVING BERDINE RICHMAN. (New York: G. P. Putnam's Sons. 1902. Two vols., pp. xiv, 266; iv, 295.)

WE are at last reaching the time when the interest and importance of early Rhode Island history can be fully appreciated. It is now possible to do justice to Williams, Gorton, and the Antinomians without depreciating the orthodox Puritans. Rhode Island can be valued for the many and varied tendencies which it contributed to colonial life, and for the intensely human personalities who shared in its history. A number of valuable monographs have cleared away obscurities which, owing to lack of accessible records, attached to some phases of the history of the colony. Mr. Richman has availed himself to the full of the labors of his predecessors, both in Rhode Island history and in that of New England at large. He has also brought to his task a ready sympathy and an attractive style. These qualities, combined with not a little original investigation and generalizing power, have enabled him to write an excellent book.

To say that it is the best book yet published on early Rhode Island history is to give an imperfect description of its value. Nearly fifty years have passed since Arnold published his work. Not since then has so ambitious a task been undertaken in that field as the one which Mr. Richman has just completed. Arnold was a laborious investigator, but really was little more than an annalist. The author of these volumes has sought so to group his facts as to make them illustrate the fundamental tendencies which were operative in the life of the colony. The controlling tendency was individualism. That manifested itself in religion in the form of freedom of conscience, and in politics in democracy and independence of the local political units. With due reference to these forces, the events of Rhode Island history, general and local, are traced until the death of Roger Williams in 1683.

Among the facts which are brought out with prominence in the volumes are the following: the diversity of origin and belief among the settlers of this colony; the radical type of belief which was cherished by nearly all of them; the possibility of their coexistence under one government only on the basis of perfect religious freedom. Coming to the development of their political system, Mr. Richman properly lays emphasis on the fact that Rhode Island was formed by the union of originally independent towns. He traces the early history of the towns and the process by which they were brought into union. In doing this he clears up some points in the early relations between Pocasset (Portsmouth) and Newport, and throws light on the career of William Harris in Providence. The Coddington episode also falls into its proper place in the general history of the colony. Respecting Gorton and the town of Warwick there was nothing new to be said. Little that is new is said about Roger Williams, but a very true picture is given of the part which he bore in the founding of Rhode Island. The author seems to be fully

ancestors, has conceived this method of carrying out his purpose. He has certainly done a very unusual and noteworthy thing, for which every historical scholar will owe him thanks. Few will probably use the material here presented, but all will appreciate the example set. In devoting so large an amount of money to the preservation of historical records Mr. Allen has honored himself and the subject of history, as well as the town in whose interest he has planned this work. We can only wish that other men of wealth would follow his example and leave monuments not of stone but of volumes containing in print the perishable records of some particular locality. And furthermore we would wish that more of those who, like Mr. Allen, have a lively interest in some historical town or region would refrain, as he has done, from attempting to write that history themselves and would devote time and energy to the task of transcribing the old records and printing them without curtailment or abridgment.

Enfield was not one of the first group of Connecticut towns and therefore its career is not so important nor its evidence so valuable as would be the case had it been settled before 1660. It was settled from Springfield in 1683 and belongs to the third period in the history of the towns, when the circumstances attending the settlement had become more or less artificial. Worcester belongs in the same category. The basis of the plantation was not a religious and covenanted community, and the first settlers were not a church first and a land community afterwards. In Enfield the land community came first, lands were granted under conditions drawn up by a Springfield committee, and as it happened scarcely one of the original grantees actually settled on his grant. For ten years this committee governed the plantation, though in 1683 a constable had been chosen and a sort of civil organization erected. The next year the people organized themselves into a church and built a meeting-house, and finally in 1688 were incorporated as a town by the Massachusetts general court. Not, however, till 1693 did independent local government begin and were town-meetings regularly held.

In Enfield, as in Worcester at about the same time, the system of land distribution was more or less artificial in origin, but it conformed to the general plan prevailing throughout New England by providing for small, scattered allotments — home-lots, field-lands, and meadows — which distinguished the New England system so sharply from that of Pennsylvania, West New Jersey, Maryland, and Virginia. The committee controlled all land grants until 1692, and the "Committee Book" here printed is one of the most valuable parts of the work, from the social as well as from the agricultural point of view. From 1693 to 1711 a few grants were made and these by the town (pp. 131, 283, 285, 286, 289). But disorder and dissatisfaction led to the regaining of full control by the proprietors (pp. 315, 682), in Enfield always called, at first, commoners. A commoner was simply any one who possessed rights in the common and undivided lands of the town, and in giving to themselves a firmer organization during the years from 1711 to 1715 the commoners were

Congregational Church of Enfield," one of which, a pamphlet, does not appear to have been known to the Reverend Dr. Means when he wrote his thesis in 1899 on this important phase of the "Great Awakening." There are indications here and there of the social and industrial activities of the people. In the town the majority of inhabitants were husbandmen, planters, yeomen, and laborers. There were also weavers, feltmongers, tanners, cordwainers, and shoemakers, carpenters, housewrights, and joiners, a dishturner, a ship-carpenter, a combmaker, a chairmaker, bloomers (iron-workers), coopers, and millers. There were no articles produced for export except turpentine; beef, pork, grain, and tobacco seem to have been leading staples for home consumption. These were current instead of money as late as 1770. All money was of course reckoned in pounds, shillings, and pence until 1796, when the word "dollars" appears, but the symbol \$ was not used until 1798. The first church bell appeared in 1784, the first town clock in 1791, seating the meeting-house continued till 1834. In 1811 lightning-rods were put on the church building. There were many deaths of "languishment," one of "hydrocephalus," many of "the rattles," and one of an "inscrutable disease in the head." The town officers were about the same as those of other towns, except the "key keeper," a term I conjecture to be the same as "pound-keeper."

Two quotations of more than local interest may well close this review. In 1770 the town sent an "agent, to attend at a General Meeting of Merchants and Landed Interests of this Colony with instructions to Consider Such Constitutional Measures as may be judged Proper for the removal of those Duties we Suffer from in Special Stedfastly to keep up the non Importation agreement and that the Violaters of it be Treated with Contempt particularly Shew Severest Resentment to the Conduct of New York" (p. 2516). On July 11, 1774, the town rose to the following height of eloquence:

"Then further taking into our Serious Consideration the present alarming situation of the British Colonies by an undue Exertion of ministerial and parliamentary power—which have a direct tendency to the destruction of the British Empire and if persisted in must Inevitably terminate in the utter subversion of our Constitution and total loss of american freedom. and While our hearts glow with the most filial duty and affection to our rightful sovereign king George the 3d and to his illustrious house, and we feel the warmest sentiments of Gratitude to those worthy Gentlemen whose noble and patriotick zeal has animated them with such Wisdom and firmnes to oppose the torent of oppression like a flood Rolling upon us we Cannot but Express our deepest Concern and Grief that men who are decended from the Natural and known Enemies to the Brunswick Succession and who inherit the Intrigue and malevolence as well as the honours and Estates of their ancestors should find such acces to the Royal Ear and by their Subtilty and disguise alienate his majesties affections from his dutiful and loyal subjects. and while we Consider that those who tamely submit to wear the shackles of slavery or behold with supine Indifference al that is dear to us and posterity wrested from us by force must be dead to the principle of self-preserva-

Instructive too are certain theatrical notices. "June 13, 1751. Mrs. Davis hopes as the play is granted to enable her to buy off her time that ladies and gentlemen . . . will favour her benefit"; June 10. Mr. Jago "hopes that all . . . will favour him as he has never had a benefit before and is just out of prison" (p. 274). Pity for redemptioners and ex-convicts was then demanded as a halo to enhance dramatic efforts!

A letter from Elisha Parker to his sister in 1743, accompanying the last two volumes of *Pamela*, shows that New York shared fashions of literature as well as of garments with London. "I think 'em by far the most proper books of any I ever saw for the youth of both, but especially of your sex . . . I have too good an opinion of you to think that the assistance of books is wanted. However the more virtuously inclined the mind of any person is, the more will it delight in hearing of virtue praised and this with the advantage that it will be got by reading a stile so beautiful and natural as the stile of *Pamela*."

From the composite nature of its being, *Social New York* lacks in literary finish, but it has real value as a study of conditions. Its sturdy quality is especially grateful because there has been a plentiful crop of popular works about New York, which have handed on from one to another a long series of half-true commonplaces and inaccuracies anent New Amsterdam and her successor, from unsifted and unweighed authorities. Better work in the field is refreshing. Moreover there is a pleasant definiteness about Miss Singleton's framework. Her picture is confined to the Georgian epoch, her figures are the well-to-do, her topic is their life, and of all her treatment is effective and suggestive.

RUTH PUTNAM.

Ecclesiastical Records of the State of New York. Published by the state under the supervision of HUGH HASTINGS, state historian. (Albany: James B. Lyon. 1901. Two vols., pp. xxxv, 744; xxviii, 745-1442.)

ALTHOUGH published under the supervision of the state historian of New York, the actual work of compiling and arranging this collection has been in the hands of the Reverend Edwin Corwin, D.D. The original occasion for the undertaking seems to have been the discovery of material relating to the Dutch Reformed Church in New York which escaped the researches of John Romeyn Brodhead, to whom students of the history not only of New York but of the American colonies in general are so deeply indebted. Owing to the efforts of Brodhead seven volumes of the correspondence of the classis of Amsterdam were examined and transcribed, and seven bundles of letters from the American churches were first loaned and afterwards presented to the general synod of the Dutch Reformed Church in America. At the time it was thought that these bundles included all the extant letters from America; but Dr. Corwin has found others in the archives of the classis of Amsterdam, among them two portfolios from New York. Furthermore, he has searched the minutes of the classis of Amsterdam, of the deputies of the

eral, though volume and page are cited, one can note some curious lapses. For example, it is stated that the letter of Reverend Jonas Michaelis of New Amsterdam, written August 11, 1628, to Reverend Adrian Smantius (and others) of the classis of New Amsterdam (I. 49-68) has already been translated by Honorable Henry C. Murphy in 1858 and revised by Reverend John C. Fagg, of the Collegiate Church of New York, in 1896. But there is nothing, either at the head or at the foot of the letter, to indicate where the translation or original can be found. Likewise, letters from Reverend Caspar Van Zuuren, October 30, 1681, and from Reverend Rudolphus Varick, April 9, 1693, to the classis (II. 790-795, 1048-1053) lack specific references. We are to infer from a casual note that the latter has already been translated. There are, too, cases of vague or inadequate citations. For instance, there is a reference to Blackstone, p. 105, omitting volume and edition (II. 1080); and to *Patents* VII. 25 seq. and 82 seq., for the originals of the first charters to the Dutch Reformed Church in 1696 and to Trinity Church in 1697 without indicating further where they are to be found (II. 1136-1165). Finally, it is hardly sufficient to refer simply to the pages or sections of the *Council Journals* and the *Acts of Assembly*. Of the eight illustrations two are reproductions respectively of "an old manuscript," and of "an old manuscript from the Dutch Records." It would have added interest to state the particular manuscript in each case. The two volumes are tastefully bound in dark red and gold.

ARTHUR LYON CROSS.

The Administration of Dependencies. A Study of the Evolution of the Federal Empire, with special reference to American Colonial Problems. By ALPHEUS H. SNOW. (New York and London: G. P. Putnam's Sons. 1902. Pp. vii, 619.)

THE title of this book is somewhat misleading, for it does not deal with methods of administration, but with the theory of the relation of dependencies to the home government. The object of the author is to maintain the thesis that the United States together with its dependencies constitute a federal empire which is governed by the American Union as the imperial state; that the powers of the latter are not unconditional or unlimited, but dispositive and quasi-judicial; and that the clause of the Federal Constitution by which Congress is given power "to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States," contains an exhaustive and well-reasoned theory of the administration of dependencies. To show that this view has always been fundamental in American politics the author adduces a vast amount of historical proof, so that his work might well be called a history of the theory respecting the relation of dependencies to the home government.

The author endeavors to prove that the idea of a federal relationship between colonies and mother-country, and the requirement of expert management in colonial affairs constituted the basis of the British system

As the author attempts to support a systematic and logical body of thought upon the diversified expressions of current political discussion, it will be well to note the character of the inferences which he is at times ready to draw. Thus on pages 154 to 158 we encounter the inference that the use of the word "needful" in the constitutional clause goes back to the expression "necessary and proper" in a book of 1765, and Stephen Hopkins is celebrated for having at the same time suggested the principles which underlie the expression "to dispose of." The author supposes Hopkins to have suggested an expert tribunal for the management of imperial affairs, whereas the extract cited simply urges some kind of representation in or before Parliament. The author often uses the words "plainly," "evidently," "obviously" in cases where he draws a specific conclusion from very general words; thus, for "plain suggestion" on page 166 it might be safer to put "possible implication." The letter of Dickinson quoted on page 181 does not necessarily imply that he was arguing specifically for expert government. In fact, the idea of expert government is emphasized by the author rather more than the historical evidence justifies. That King George in 1787 was fighting for his existence as the expert governmental agency (p. 185) is certainly new. On page 272, the resolutions of Fairfax county, in which George Washington joined, are interpreted as containing a demand for expert government, while they simply call for wisdom and moderation. The author considers Dickinson's *New Essay on the Constitutional Power of Great Britain over the Colonies in America* the most important contribution to the pre-Revolutionary discussion, as it defines the federal empire in the following words: "To be subordinately connected with England the colonies have contracted. To be subject to the general legislative authority of that kingdom, they never contracted. Such a power as may be necessary to preserve this connection she has."

From statements in the Declaration of Independence and from the general drift of opinion expressed by the colonists the author concludes that the colonies objected to the exercise of legislative power by Parliament but would willingly have submitted to acts of regulation and disposition emanating from the king as the expert part of the government. Now this insistence upon expert government is entirely an implication from general language and it is not at all made clear that the colonists distinguished technically between the expert and the popular part of the government in the sense of the author. Moreover, they certainly were not fighting the battle of royal prerogative in any form. In insisting that the king was the only link binding them to England they desired to emphasize the authority of their own local legislatures over against Parliament rather than to vindicate the power of the king. The conception of the king as "ex-officio the Disposer of the Empire, having power to finally interpret and adjudicate and execute the unwritten constitution of the Empire through an expert tribunal as his adviser" is nowhere clearly developed in the colonial literature but is based entirely upon inferences made by the author. It is difficult to believe that this was really the

The constitutional argument here outlined will sufficiently illustrate the author's methods of interpretation. Throughout the work he treats even the most casual expressions of political opinion in the same strictly analytical manner. The danger of this method, from the historical point of view, lies in the fact that men are not actually aware of all possible logical implications of the language they employ; and that in the interpretation of any body of opinion or discussion almost any result desired may be obtained by employing literal implications which may, however, either not have been present at all in clear consciousness or may have held a subsidiary and incidental position. We all know how easy it would be to construct entirely opposite theories from the writings of Hobbes or Rousseau by placing emphasis successively upon various possible lateral inferences. In such cases the only refuge is to compare a theory with the actual life out of which it has grown and of which it is a representative expression. This will show where the main emphasis must be placed in the historical interpretation of any development of political theory. And when we apply this test to the author's work, it is difficult to avoid the conclusion that while he has furnished a notable legal argument and a highly valuable analysis of an important part of American political thought, he has somewhat misplaced the emphasis in his interpretation of history and that he views the thought of the past rather too much from the point of our present needs of constitutional development.

PAUL S. REINSCH.

The History of South Carolina in the Revolution, 1780-1783. Volume IV. By EDWARD MCCRADY, LL.D. (New York: The Macmillan Company. 1902. Pp. 787.)

WITH this volume General McCrady brings to a conclusion his history of South Carolina during the periods of proprietary and royal government and of the Revolution. As the work has progressed the author's style has grown perceptibly freer and stronger, until in the final volume it flows onward in an ample stream. As a general political and military history of South Carolina during the first century and a quarter of its existence, this work must always rank as a standard authority. It is true that certain well-known books have been very fully and freely used as materials in its composition; but these books contained the best that was accessible on the periods to which they related. It is also apparent that in the preparation of the volume on the period of royal government not all accessible manuscript sources were searched for information or, if they were searched, the material was not all utilized.

To students of the social and economic structure of society, to those who are interested in determining the place which South Carolina held in the British-American colonial system the work will be useful as a storehouse of material, and not because of any especially valuable opinions or views which it contains. The strictness with which the author has adhered to the annalistic form and to political and military history gives

relations which at the close of the war developed between Greene and the civil authorities of South Carolina were most unfortunate and trying for the general.

The author admits that Sumter and his associates were perhaps unduly sensitive. But the great difficulties under which their work was done — with no government to raise troops for them and furnish them with supplies — and the important results which they achieved entitled them to strong feelings of pride. General McCrady's conclusions are based on the letters of Greene, on the correspondence of Sumter, which was published in the *Charleston Year Book* of 1899, but especially on the study of the war map of South Carolina during the Revolution. To the 26 engagements which had been fought by the partizans, or state troops, in 1780 were added 62 engagements in 1781, 45 of which were fought without the aid of the Continentals. By this activity not only were the Tories held in check, but the communications of the British were cut off, serious losses were inflicted upon them, and they were at last forced back to Charleston. Though the author does not deny that the presence of the Continental army was necessary to give consistency to the American system of defense, he claims that the heavier part of the work was done by the partizans. The British were destroyed by slow attrition, the blows being mainly inflicted by the local forces.

The last volume of the work is certainly the most original of the four. The criticism of earlier views which it contains is healthy and valuable. It effectually rehabilitates Sumter and brings him out much more clearly into the light of history. It administers a check to hero-worship by presenting a remarkable picture of the sacrifices which an entire people will make in defense of their homes. But, since history affords comparatively few such spectacles, the judgment of British officers in the earlier colonial period and of Washington during the French War and the Revolution concerning the comparative value of militia and regulars will not be seriously modified.

HERBERT L. OSGOOD.

The Writings of James Madison. Edited by GAILLARD HUNT. Volume III. 1787. The Journal of the Constitutional Convention, I. (New York and London : G. P. Putnam's Sons. 1902. Pp. xxi, 471.)

MR. HUNT's third volume comprises Madison's notes of the debates in the Philadelphia Convention through July 18 ; the fourth will present the remainder, with an index to the two, which are evidently intended to be issued separately, as a work independent of the rest of the series. In one sense, these notes do not form a necessary part of Madison's writings. But on the whole we have nothing else from his pen so important as this record of what he and others said in that memorable gathering, and there is a distinct need of a new edition. Gilpin's is not now easy to procure ; the fifth volume of Elliot, unless one picks up an early issue, is obtainable only in shabby print from worn plates ; the text presented in the

existence? He told John Quincy Adams in 1818 (*Memoirs*, IV. 175) that he had taken extensive minutes. In 1878 they are said to be non-existent; in 1888 we are assured that they are extant. P. xvi, for "Wingaw" read "Winyaw." It is an error to say (p. 25 n.) that Pinckney's letter of December 30, 1818, is printed in the *Documentary History*, at least in any edition known to me; and "some" should read "none" in the statement attributed to Chief Justice Nott as to the preservation of Pinckney's notes.

J. FRANKLIN JAMESON.

The Territorial Growth of the United States. By WILLIAM A. MOWRY. (New York: Silver, Burdett, and Co. 1902. Pp. 237.)

THERE are two phases to the expansion of the United States — the circumstances that have at different times created a demand for more territory, and the efforts of government to meet this demand. Dr. Mowry regards our territorial acquisitions as a series of special providences and upon this theory contents himself with the externals of negotiation without making any attempt to present the underlying causes. Even his statement of the externals is far from satisfactory. He gives no adequate account of the situation that caused the cession of Louisiana, and no account at all of the protracted negotiations resulting in the Florida treaty, not even mentioning the prior acts for occupation. In connection with Texas something is said of slavery, but nothing of the other influences that brought about annexation and caused the Mexican War. There is no reference to the internal agitation for Oregon nor to the way in which Oregon was used to offset Texas. Even Alaska did not come wholly out of a clear sky, but in continuation of negotiations, which are not mentioned, that began in 1854, were resumed in 1859, and interrupted by the Civil War. There is no suggestion of American connection with the Hawaiian Revolution of 1893, and the Philippines were "thrust upon us" unsought. From this it follows that the book fails to tell the true story of the territorial growth of the United States. On the one hand, it omits entirely the reckless disregard of the rights of others that has characterized our national expansion and, on the other, it gives no glimpse of the restless energy of the American people to which that expansion is due. The materials are drawn from secondary sources, chiefly from Lyman's *Diplomacy of the United States*, Marbois's *Louisiana*, and Greenhow's *Oregon*. The style of the book is entertaining and its typographical appearance attractive, which make it the more to be regretted that the subject-matter is superficial.

There are some errors of detail. We find the familiar misstatement that the first Virginia charter granted to the London and Plymouth Companies *all* the territory between the thirty-fourth and forty-fifth parallels instead of a statement that to each was granted a tract one hundred miles square, to be located within the limits designated. A reference to Mitchell's Map copies a misprint in Lyman that misspells the name. Ly-

The book is of course the product of family pride and not of disinterested scholarship, but, as is rarely the case with such productions, the work is the scholarly production of a trained historian, a man who has had excellent opportunity for political observation. Mr. Bernard Mallet, the eldest son of the friend and disciple of Cobden, Sir Lewis Mallet, was a Balliol man and took a first in history in 1882, since which time he has held various government clerkships. Twice he was private secretary to the first lord of the treasury, Mr. Arthur Balfour, a position he resigned in 1897 to become commissioner of inland revenue. With this training and this experience, Mr. Mallet set himself the task of introducing his eighteenth-century ancestor to twentieth-century Englishmen, few of whom have ever heard of the *Mercure Britannique* or of its able editor. The author is, however, in error when he flatters himself that "in England nothing whatever has been published about Mallet du Pan except two articles in the *Edinburgh Review*," for the excellent *Mémoires et Correspondance de Mallet du Pan*, published by M. Sayous in Paris in 1851, was translated into English and published in London in the following year. M. Sayous had access to the family papers upon which the present author has drawn freely, and had the assistance of Mallet du Pan's son, John Lewis Mallet of the English civil service. His work is of course long out of print, and in two places has been greatly supplemented by two important publications of recent date, so that there remains abundant justification for this new volume. The new works alluded to are *Correspondance Inédite de Mallet du Pan avec la Cour de Vienne, 1794-1798*, edited by André Michel with a preface by M. Taine, and *La Révolution Française Vue de l'Étranger*, by François Descostes (Tours, 1897). Aside from this one slip in bibliography there is little to criticize in the book, for the author has done his part well. A little more detail and precision in the bibliography would have been helpful, and the index is not complete, for one fails to find in the index four names of considerable importance mentioned on p. 149, one of which should be spelled Cobenzl instead of Cobenzel. A more serious misprint occurs in the first foot-note on p. 186, where the date of the treaty of Basle with Prussia should be 1795 instead of 1791. Paper, type, and binding are all in excellent taste.

Students of the French Revolution, especially in England and America, will be very grateful to Mr. Mallet for this life of his ancestor and for the presentation in such able manner of the views of the constitutional monarchists of 1789, which have hitherto received less attention than they deserve, largely because they never produced any practical results in determining the course of the Revolution. These men themselves believed, for a moment, that they could save France, and many since their day have surmised that had their political sagacity been coupled with ability as politicians and statesmen France might have won for herself and for Europe all of the advantages of the Revolution without the terrible cost in blood and treasure. Though the abilities of Mallet, of Malouet, of Mounier, and even of Mirabeau, who had so much poten-

might be reduced to two, order and liberty. He might well have said with Mirabeau, "I desire order but not the old order," and with Burke, "The only liberty I mean is the liberty connected with order."

Perhaps the most extraordinary instance of Mallet du Pan's political insight is contained in the following lines written in 1781 before the battle of Yorktown:

"Independent or not the United States will emerge from this disastrous war with the hope of profit from it. Their commerce will be free, sooner or later it will embrace the fisheries of all their shores and of the new world and the trade in furs, it will reach to the Antilles, to the Spanish possessions, and even to the East Indies; a line of communication will be theirs which no European fleet will be able to cut. Nature which has placed the insurgent States in the midst of the Atlantic has so ordered it; and the moment has arrived when our continent will be forced to admit it."

GEORGE M. DUTCHER.

The Life of Napoleon I. By JOHN HOLLAND ROSE, M.A. (New York: The Macmillan Company. 1901. Two volumes, pp. xvii, 471; viii, 547.)

WE have delayed our notice of this important book for several reasons. In the first place, it is long and the style is difficult; in the second place, it puts forth an important claim as being the first life of Napoleon to include new materials from the British official records; in the third place, it is the first effort of a British historian at impartiality and self-control in describing the heroic age of modern English history. For these reasons the two stout volumes demand respectful and deliberate examination, and this the reviewer has endeavored to bestow.

The general impression left upon the intelligent reader will probably be one of some weariness, but it will be the weariness of one who has accomplished a good work. Such erudition, such accumulation and orderly arrangement of detail, such marshaling of fact and authority, such patient examination of every source; all alike testify to Mr. Rose's indefatigable industry and unwearied research. It is safe to say that nothing of value either in the published literature of his subject or in the papers of the London Record Office has escaped him. On the other hand, we are all familiar with the conscientious, laborious, and sometimes invigorating "constitutional" which sedentary men force themselves to take for health. The "constitutional" leads no whither, is a duty to be done and not a pleasure to be enjoyed, strengthens but does not stimulate. The blood does not course freer, the heart beat higher, or the brain devise bright thoughts because of the "constitutional." And we fear that both the reader and the student will lay down these volumes with a sense of wonder that one so learned as the writer could exhibit so little of interest, curiosity, or mastery in discussing the ultimate problems and settling the questions which throng in a life the most brilliant, the most fascinating, and the most productive of weighty consequence among all that have been lived in the nineteenth century. When the author compares Na-

plex dispositions in the northern ports worked smoothly he would certainly have made a dash at London, but that, awaiting only an excuse to avoid the enterprise, he found that excuse in Villeneuve's retreat to Cadiz and wheeled his legions eastward to prosecute the alluring alternative of continental conquest. It is certain that Napoleon always had two possibilities in preparation, but it is equally certain that of the two in this case that for the invasion of England was poorly studied, destitute of expert support, fantastic in its theatrical quality, and devoid of the Napoleonic characteristics, while the possibility actually adopted was thoroughly and minutely studied, had every mark of a solid purpose with firm reality, and was triumphantly executed. What seems to us conclusive, however, is the fact that the invasion of England was the secular and ever effective pretext of every successive French government to arouse French patriotism, open the French purse, and evade criticism of internal affairs. Napoleon was using the old device on his own scale: simultaneously he was busy behind the screen working out two stupendous problems, the subjugation of France for himself, and the subjugation of continental Europe for France. We believe it to be the most salient weakness in Napoleon's character that he utterly failed to apprehend the value of sea power. Visions of its bearing on imperialism he got occasionally, but his first concern was land power, the one weapon of which he was a consummate master. Certainly there are many indications that at this very moment he would gladly have considered (as a year earlier he had openly suggested) a partition of world-empire between himself and Great Britain, with the latter as overlord of the seas. Spurned by the western power, he turned later to propose something similar to Russia.

This brings us to consider Mr. Rose's treatment of the renewal of war by England and the rupture of the treaty made at Amiens. We choose this inverse order because it is easier sometimes to reason backward chronologically than to anticipate. When Napoleon suggested to the English ambassador the division of world-empire with Great Britain, he was playing the game of world-politics strictly according to British rules. Neither of the gamesters felt the slightest respect for international law, and the English ministry was entirely complacent about every move of its antagonist as long as the principle of compensations was admitted and practised. But when it was seen that Napoleon's interventions contemplated a permanent seat of French power in Holland, and his compensations were not inclusive of a British garrison at the Cape of Good Hope or of a British occupation of Malta, England regretted her renunciation of interest on the continent and appealed to international law. The Whigs eagerly seized on any pretext for a blow at their party opponents, and the cleavage of public opinion in Great Britain gave the ministry some anxiety. Addington therefore grew suddenly bellicose, and the instructions given by him to a new ambassador selected to beard and infuriate Napoleon are as calm, specious, and clear as if written under the inspiration of our present-day tribunal at The Hague. Simultaneously, however, the cabinet began preparations for war and laid down an ulti-

the continental powers, though his treatment of Austria in the matter of Napoleon's second marriage does not adequately deal with the baseness of both Francis and his daughter. We note his conclusion that the real turn of Napoleon's fortunes was during the first Saxon campaign, wherein the armistice of Poischwitz proved fatal to ultimate military success. The point is well made and the proof is conclusive.

Finally, it is noteworthy that a writer who is not a military specialist has known how to thread his way firmly and skilfully through the mazes of Napoleon's strategy and tactics. For the intelligent reader there is ample discussion of all the great events which were the basis of the Emperor's strength. There is a fine exclusion of unnecessary detail, and a concise statement of important outline. We venture to think that the campaigns of Marengo and Waterloo are both delineated with magisterial power. It may be objected that there is an absence of imaginative and thrilling description in Mr. Rose's battle scenes, and a consequent lack of the effect which is alone the ideal truth of literature. These volumes make no claim, we must repeat, to high literary quality. They are something quite different, the careful work of an erudite scholar and investigator, marked in the statement of facts by an exaggerated simplicity and calm. The quelling rhetoric is reserved to bring out here and there at intervals the pent up emotions of the author, which are often those of a gallant but rather desperate knight coping with a task almost superhuman in its dimensions. No wonder. It is exactly this attitude of mind which is Mr. Rose's greatest strength.

A History of the Peninsular War. By CHARLES OMAN. Vol. I.

From the Treaty of Fontainebleau to the Battle of Corunna.
(Oxford: Clarendon Press. 1902. Pp. xvi, 656.)

Les Guerres d'Espagne sous Napoléon. Par E. GUILLON. (Paris :
Plon-Nourrit et Cie. 1902. Pp. v, 364.)

IN reviewing Napoleon's wonderful work as a captain we find the war in the Iberian peninsula from 1808 to 1813, while less important because the Emperor was there for but a brief period, yet by no means the least interesting. To Anglo-Saxons it is ever memorable as being the field where our cousins of the British army had almost the only chance to display their courage and constancy; for it was at sea that Great Britain dealt her heaviest blows at Napoleon, as it was by her subsidies that she most heartily contested his continental system. Except as a drain of men at a period when France could no longer stand the drain (and the Peninsular War cost France three hundred thousand men), Spain had less influence than any other extended field in the grand total of land operations. But it was the theater where the second of England's great soldiers, Wellington, played his part; and though a proper perspective makes Spain but one scene in the vast Napoleonic drama, yet the conflict loses not its military nor its human interest; and to all English-speaking peoples it is a tale which may always be twice

bers of the armies in the period covered is beyond praise. Few authors are willing to take so much trouble, especially as, after all labor spent, the attrition of accident or stress of service may much alter the sum-totals obtained at a date a few days previous. Moreover, a variation of ten or fifteen per cent. in numbers engaged is rarely the cause of victory or defeat.

Professor Oman is an honest Briton and, unlike Lord Roseberry, is writing of a period in which Napoleon was exacerbating to the British sense. While yielding his meed of admiration to Napoleon the soldier, he cordially hates Napoleon the statesman, and now and again in good blunt Saxon monosyllables berates him for his manifold political trespasses. No doubt Napoleon deserved all this, but in that day and generation few statesmen were beyond severe stricture. It was diamond cut diamond, nor was any diamond steel-blue. Diplomacy has always been the art of deceiving; it was more so then than now, we hope. And when we consider that Napoleon had substantially all Europe arrayed against him; that, while his ways were devious, he was working out a problem useful to France and Europe; and that he had to keep his wits sharpened to the keenest point; did he in reality average any worse than the rest of the diplomatic world?

Upon the intricate political history of the Peninsular War Oman enters at length and throws the light of clear statement. In many points he sets Napier right where this author has erred from lack of facts to-day obtainable, or corrects him when, as Oman thinks, he errs from an undue leaning towards the Emperor. The military side is treated with equal detail. The descriptions of the country and topography remain in mind. Strategy and tactics have no terrors for this author, as since Jomini's day no profession monopolizes military history. Nor is he new at such a task; and his style is frank and easy, and fixes the attention. While the reader now and then disagrees with some statement, yet Oman's frank positiveness disarms him. The value of the opposing forces is well gauged; and there is so much detail in describing the manœuvres and battles that the work will have peculiar interest to the Englishman who has a hereditary love of regimental exploits and individual prowess.

As this first volume covers only the period from the treaty of Fontainebleau, towards the end of 1807, to Moore's battle of Corunna, in the beginning of 1809, it is not possible to estimate the work as a whole; but if, as is probable, the author is able to carry it through on the scale he and his publishers have begun, it will go far to be more read than Napier—whose admirable work will nevertheless always remain a classic.

THEODORE AYRAULT DODGE.

A Fighting Frigate and Other Essays and Addresses. By HENRY CABOT LODGE. (New York: Charles Scribner's Sons. 1902. Pp. 316.)

EXCEPT for a single essay upon Russia of the present, all of the papers in this attractive volume may be regarded as historical. One is an essay upon "The Treaty-making Powers of the Senate"; the other nine are

to Roger Sherman. The argument is carefully drawn and shows that Sherman was the most active in behalf of the state-equality plan.

In the address upon "Marshall" the author exhibits most strikingly the strength and weakness of his conception of history. He gives free rein to his personal sympathies; in consequence he is always the Federalist historian. This probably enables him to explain Federalist ideas, policies, and the invaluable services of Hamilton, Marshall, and other Federalist leaders in a more effective fashion than would be obtained from the use of a more scientific method. On the other hand, it prevents him from doing justice to the ideas and policies for which Jefferson, Madison, and Gallatin stood. The author's accuracy and fair-mindedness prevent misstatements of fact; his partizanship is that of tone, emphasis, and implication; but it is after all partizanship, not history.

FRANK MALOY ANDERSON.

Letters of Dorothea, Princess Lieven, during her Residence in London, 1812-1834. Translated and edited by LIONEL G. ROBINSON. (New York: Longmans, Green, and Company. 1902. Pp. xx, 414.)

THE letters of Dorothea, Princess Lieven, written from London while ambassadress at the British court, should have more than one claim to the interest of the historian. While covering a period of great interest and written with a full and intimate knowledge of events and people of the utmost importance, they are first of all valuable because of the personality of the writer. This charming and forceful woman was the daughter of General Benckendorff and his German wife, the latter a lifetime close friend of the Princess Maria of Württemberg, afterwards the wife of Paul I. of Russia. Upon the mother's death the four small children were bequeathed to the care of the Empress, whose charge they immediately became. Brought up in the Russian court, under the supervision of the Empress, who was scrupulously conscientious in the discharge of her duty, Dorothea absorbed and developed a patriotism for country and a loyalty to the Emperor which in the mature woman amounted to a ruling passion. In 1800, when but fifteen years old, she was married to Count de Lieven, who was then a lieutenant-colonel in the Russian army, but who soon entered diplomatic life, and in 1809 became Russian envoy at the Prussian court. When in 1812 Lieven was appointed ambassador to London, his young and charming wife was but twenty-six, though already distinguished as an exceptionally able and clever woman, whose influence as a diplomatist was credited with being quite as effective, though indirectly exerted, as that of the official representative. Other letters, already published, attest her intimate knowledge of the times and give evidence of close personal intercourse and confidential correspondence with Lord Grey, Palmerston, and Wellington, while her correspondence with Metternich indicates a reciprocal interest which was not always concerned with the diplomatic or political side of life.

doubtful. For example, statements made to her by Palmerston or by Grey in familiar conversation are reported in her letters as positively to be depended upon, and as foreshadowing some decided change in English diplomacy. When the events belie the prophecy, Palmerston becomes an ingrate and Grey an imbecile, but her own gullibility is lost sight of. She seems rather to have been used by English ministers than to have used them. If then the present volume has any especial value as an addition to historical knowledge, it is that it renders possible a more exact estimate of Madame de Lieven herself. Yet every page offers entertaining and pleasant reading, while the careful work of the editor and translator, Mr. Robinson, has supplied excellent explanatory notes for otherwise blind references.

E. D. ADAMS.

Il Generale Carlo Filangieri, Principe di Satriano e Duca di Taormina. Per TERESA FILANGIERI FIESCHI RAVASCHIERI. (Milan: Fratelli Treves. 1902. Pp. 371.)

DURING the forty-two years which have elapsed since the fall of the Neapolitan Bourbons no work has appeared relating to the history of the kingdom of the Two Sicilies in the nineteenth century, or to any episode or period in it, which may be termed the product of wide research directed by relative impartiality — one work only excepted, Raffaele De Cesare's *La Fine di un Regno* (Città di Castello, 1900, 2 vols.). The importance of the second and greatly amplified edition of this work, as De Cesare himself states in his dedication to the Duchessa Teresa Ravaschieri, lies in the results of his extensive researches in the Archivio Filangieri, preserved in the Museo Civico Gaetano Filangieri of Naples. The principal feature of this museum is the collection of papers, books, relics, etc., left by Generale Carlo Filangieri, who for half a century was one of the chief figures in the political life of the Two Sicilies. De Cesare has made extensive and intelligent use of this material so far as it relates to the years 1848-1860, the period covered by his work, but the material upon earlier years has remained untouched. It is with the purpose of editing much of this earlier material, of editing more fully that of 1848-1860, and of thus honoring the memory of Carlo Filangieri, that his daughter, the Duchessa Ravaschieri, has published the present volume of biography.

During the long period of his public activity Filangieri preserved carefully a wealth of documents which concerned him, and wrote from time to time extended autobiographical *Ricordi*, or memoirs. The documents, for the most part inedited, are quoted freely and at length throughout la Ravaschieri's biography, while long extracts from the memoirs form almost the entire contents of many chapters, and it is in these documents and in the testimony that Filangieri himself offers in his narrative upon all the events in which he participated that the importance of this volume lies. Filangieri was a man of modern spirit and ideas, but a warm supporter of the autonomy of the Two Sicilies, and therefore opposed to Italian unity. Sincerely devoted to Murat, he was also faithful to the

in 1860. There are eight papers in the collection, perhaps the most interesting of them being the letter of the young Princess de Lieven and the later commentaries of Prince Eugene of Württemberg. On the whole we find nothing startlingly new, but a number of previously doubtful points are made clearer. We may accordingly affirm with confidence the following facts: (1) There were two conspiracies against Paul. The first one was worked up by Panin, Lord Whitworth, and General Ribas. It was proposed to deprive the Emperor of power on the ground of insanity, and to put in as regent his son Alexander. This plan came to nothing, owing to the break with England and the withdrawal of Whitworth, the death of Ribas, and the banishment of Panin to Moscow. In the second conspiracy Pahlen was throughout the prime mover, but his keeping away from the scene of the actual murder, where Bennigsen and Zubov were the principal actors, led his accomplices to believe that he was prepared to turn against them in case of failure. (2) Alexander was cognizant of the progress of both schemes. His hesitation in ratifying them may have been partly due to some dark feeling at bottom that the revolution could hardly take place without a tragedy. Still, there is no reason to doubt his surprise and horror when the news of his father's death was brought to him. (3) There is, on the other hand, every reason to think that the active conspirators foresaw the inevitable outcome from the beginning. Paul would have been far too dangerous as a captive; and that he must be put to death was taken for granted, though we have no knowledge that it was discussed. (4) The widowed empress Maria Fedorovna dreamed for a moment of ascending the throne herself, but soon was forced to see that she had no partisans. (5) However much one may condemn the character and actions of Pahlen, Bennigsen, the Zubovs, and others, it cannot be denied that the situation in St. Petersburg had become absolutely intolerable. Paul's despotism and caprice had passed the verge of insanity. No one was secure against the Emperor's next whim or fit of anger, and the welfare of the empire as well as the security of the imperial family demanded immediate action. The evidence is overwhelming of the unspeakable relief felt by high and low after the tragedy was completed.

Professor Schiemann's second subject is the curious interregnum that occurred after the death of Alexander I., when grand dukes Nicholas and Constantine were urging each other to accept the imperial crown. He publishes a number of letters that passed between the two princes, and also several descriptions of the military revolt of December 14, 1825, in St. Petersburg. In the latter, one gets a vivid impression of the utter confusion of the whole affair, and the helplessness of the liberal conspirators to do anything with the soldiers after they had once persuaded them to mutiny. As for the contest of generosity between the brothers, Professor Schiemann in his introduction lays stress on the fact that Nicholas, as is proved by recent publications, knew of Constantine's renunciation of the throne, expected it to be maintained, and only proclaimed him under pressure from Miloradovich, who as commander of the guard controlled

believe, and with considerable reason, that they got much the worst of the bargain. Good feeling between the two halves of the monarchy does not seem to be on the increase, and as the so-called compromise has to be renewed every seven years, there are frequent opportunities for disagreement ; indeed, the really immense difficulty encountered in bringing about the latest renewal bodes ill for the future. In the second place, we cannot overlook the present situation of Austria, where the antagonism of the conflicting nationalities has reached such a point as to make ordinary legislation nearly impossible, and where many people believe that with the death of Francis Joseph we shall have the beginning of the end of the Hapsburg Empire. To be sure, even without her partner, Hungary may still be able to lead an independent and prosperous if modest existence, but it must be remembered that within her own borders she has very grave questions to which Mr. de Bertha barely alludes. Of her total population, if we include Slavonia and Croatia, less than half are Magyars or Hungarians proper, even according to the official statistics, which cannot be regarded as impartial in such a matter. In spite of all our author's insistence on the spirit of liberalism as the chief characteristic of present Hungarian politics, it is notorious that the treatment of the other nationalities by the ruling one has often been the reverse of liberal. Few fair-minded Hungarians would assert that the elections have been generally free, or the hand of the police light in dealing with the subject nationalities ; and it would be absurd to pretend that the immense majority of purely Magyar members in the diet at Pesth is due to superior wealth and intelligence alone. The sternly maintained supremacy of the dominant race with its vigorous attempts to absorb the others may indeed be wise in the end. So far it has certainly preserved a peace which contrasts favorably with the spectacle on the nearer side of the Leitha, but absorption by force is a long and slow process which creates boundless ill-feeling while it is going on. There is no doubt to-day that the sentiments of the other nationalities towards the ruling Magyar minority is in many cases extremely hostile ; and what makes this the more dangerous is that each of these other peoples has its own friends outside. The Slovacks in the north look to their kinsmen, the Czechs of Bohemia ; the few Ruthenians are not without sympathy from the Russian Empire ; while the Germans in Hungary can count on much more active support from the new Pan-German movement. Transylvania with its preponderatingly Rouman population is regarded across the mountains as part of Roumania Irredenta ; and, finally, the two and a half million Croats and Servians, among whom hatred to the Magyars is perhaps bitterest, form a compact group with sufficient local privileges to defy absorption. They may dispute with each for hegemony, but they regard themselves as destined to build up a future independent south Slavic state, which would hardly fail to be the enemy of Hungary.

The determination, not to say hopeful confidence, with which the Magyars face all these perils compels our admiration. Whatever the future may have in store for them, they have played in the past a part

now more broadly and freely handled, for example in the statement of the present aspect of the Sumerian question (pp. 18-23), and the latter has all the advantage of the knowledge gained from the recent researches of the Pennsylvania expedition at Nippur, the German explorations on the site of Babylon, and the continued excavations of De Sarzec at Tello. For the book as a whole, this much is already clear: as compared with the English edition, it will gain in popular adaptation while losing nothing in scientific strictness and accuracy. Especially useful will be the promised comparison at the end of the work between the Babylonian and the other ancient religions.

All who care for the history of religion must wish the gifted author success in the completion of his work in its new and expanded form.

J. F. McCURDY.

Medieval Europe from 395 to 1270. By Charles Bémont and Gabriel Monod. Translated by Mary Sloan, with notes and revisions by George Burton Adams. (New York, Henry Holt and Co., 1902, pp. vii, 556.) Some American teachers of medieval history have often wished that this French text were available for general use in their classes; it was prepared by real scholars, and seemed to have, besides accuracy, a certain combination of clearness with brevity and of definiteness with generalization that is not always found in such a book. It is a pleasure to have it at last done into English, and by competent hands. Miss Sloan has usually given the exact meaning of the original, though sometimes not its life. Professor Adams has assisted in various ways in adapting the book to our conditions, notably by modifying the references. There are a good many misprints, owing no doubt to the haste that was necessary in order to meet the demand of this year; but they can readily be removed in another edition.

E. W. D.

Students of Anglo-Norman history will find little to interest them in the *Histoire de l'Abbaye du Bec* by M. le Chanoine Porée, the first volume of which appeared in 1901. (Évreux, Charles Hérissey, pp. xii, 664.) The story of the abbey is told in great detail, often indeed in too great detail; especially could much have been spared on the general monastic and religious history of the times, already well told elsewhere. In the treatment of its subject proper the book adds little to our knowledge, and is to be noticed merely because it gives an account from the Norman side of much that relates to England, of Lanfranc and Anselm, and the abbey school; of the English priories of the house; and of the movements on the continent of the Norman kings, but these only in so far as they affected the abbey. The author's interest throughout is wholly ecclesiastical, and he turns aside to discuss independently none of the problems of Norman history. The first volume brings the history down to near the close of the thirteenth century.

G. B. A.

United States, 1776-1795," by F. G. Franklin. The subheadings of Dr. Collins's paper indicate quite clearly his main contentions as well as his method of treatment: that Massachusetts discovered a method of colonial self-government; Virginia supplied a connecting link; New Jersey perfected a type of complete revolutionary government, for it was in this colony that the county committee of correspondence reached its most perfect form, and through the county committee came the thorough organization of the state; Massachusetts showed how to make a local grievance a general cause; in New York, a community in reality but slightly affected by rebellious sentiment, there came a most revolutionary development; revolutionary activities forced the disintegration of the committees.

Other papers were referred to in the report of the Washington meeting published in the REVIEW a year ago. Dr. Phillips's paper on "Georgia and State Rights" will be reviewed in a subsequent number.

The Court and Reign of Francis the First. By Julia Pardoe. With a preface by Adolph Cohn. (New York, James Pott and Co., 1901, three vols., pp. xiv, 313, 364, 366.) *The Life of Marie de Medicis, Queen of France.* By Julia Pardoe. (New York, James Pott and Co., 1902, three vols., pp. 483, 431, 451.) The appearance of a new and sumptuous edition of Miss Pardoe's works published in the 50's is of interest because it reminds one of how great an amount of research has been expended in the last half-century upon the history of France in the sixteenth and seventeenth centuries, and of the stores of new material which have been brought to light. When Miss Pardoe wrote *The Court and Reign of Francis I.*, the portly volumes of *State Papers* of the reign of Henry VIII., edited by Dr. Brewer (1862-); the Spanish State Papers of Bergenroth and Dr. Gayangos (1868-); and the valuable materials in the Venetian archives (1863-), edited by Horatio Brown, were all unpublished. *Les Négociations Diplomatiques de la France avec Toscane* (1859), too, were beyond her consultation, and the great *Catalogue des Actes de François Premier* (1887-), still unfinished, was nearly forty years in the future in 1850. Similarly in the case of *The Life of Marie de Medicis*, a vast amount of official papers, such as Avenel's *Lettres, Instructions Diplomatiques et Papiers d'État du Cardinal Richelieu* (eight vols., 1853-77) was beyond at least easy consultation. As for authorities which Miss Pardoe dreamt not of, one may mention the writings of the late De Maulde la Claviere, of Paulin Paris, of Baumgarten, of Phillipsohn, of Hanotaux.

The author wrote when the brilliancy of Macaulay and Lamartine tinged historical writing. She herself was gifted with a facile pen and transferred to her own pages something of the sprightliness she acquired from the reading of the memoirs and vivid chronicles of the age. But as solid history verified by the witness of official documents and not dependent upon the indirect and often inexact information of chroniclers and courtiers, the limitation of her writings are manifest.

little information that the reader cares about and rigorously excludes what he would like to know ; there is no indication, for example, of what edition is taken as the basis of the text. One would think that the editor, even if he saved himself the trouble of annotation, could have easily gleaned enough information from Dr. Shea's edition to let the reader know something of the history of the volume that is here reprinted ; for the original Colden has passed through various vicissitudes. Although no information is given us, we judge that the text of the volume before us is that of the English edition of 1775, which for obvious reasons is commonly considered decidedly inferior to the one of 1727.

New Amsterdam and Its People. By J. H. Innes. (New York, Charles Scribner's Sons, 1902, pp. xiv, 365.) Of making many local histories there is apparently no end. The field of the present one is quite accurately indicated by its subtitle "Studies, Social and Topographical, of the Town under Dutch and Early English Rule." The author has made a selection of families and sites which figure in the records of his chosen period, and has produced not a continuous narrative but a fairly interesting group of studies. The houses of Dominie Bogardus and Van Cortlandt, the affairs of Melyn and Van Couwenhoven, and the incidents associated with the Bark Mill, the "Ditch," and Schreyers Hoek all receive careful attention.

In pleasant contrast with certain books of the kind, the work before us bears traces of wide reading and has the hall-mark of scholarship. The writer's familiarity with contemporary European conditions is manifest, though the descriptions of such matters as scenes in the Low Countries and events in the Thirty Years' War are unnecessarily long. The illustrations and maps are well chosen, and there are an index and two appendixes. Somewhat too specialized for the general reader, the book can be commended as a scholarly and graphic sketch of life in old Manhattan.

EDMUND K. ALDEN.

In the preparation of his recent volumes on the history of currency and banking in colonial Massachusetts Mr. Andrew McFarland Davis examined the important rare pamphlets on the subject and became familiar with their contents. Eighteen of these he has gathered together and reprinted in *Tracts relating to the Currency of the Massachusetts Bay, 1682-1720* (Boston, Houghton, Mifflin, and Co., 1902, pp. x, 394). The editing seems to have been done with scholarly care, and the papers are accompanied by satisfactory bibliographical notes. The material in this form will be of use to the student of our financial history, for, as Mr. Davis well says, it is just as important to understand economic heresies as economic truths and one cannot appreciate the force of public opinion unless he adopts the current standards on which the opinion is based.

Ohio and her Western Reserve, with a Story of Three States leading to the latter, from Connecticut, by way of Wyoming, its Indian Wars and Massacre. By Alfred Mathews. [The Expansion of the Republic

Mr. Emerson's narrative has the merit of clearness. It is always intelligible and easy to read, despite the lack of continuity and perspective which its chronological plan entails. Passages occur which are models of terse, straightforward, forcible, sprightly description, but at the end of them the reader falls upon pages heaped with the heterogeneous events of a decade—a sort of terminal moraine of unrelated facts. If there is any one who wants to read the annals of one hundred years in their consecutive order, he may find these volumes adapted to his desire. Those who want a convenient work of reference concerning the events of the last century will, however, find here nothing but vanity and vexation of spirit, for its one index is only a mockery and a sham. Excellence of narrative cannot excuse this fatal defect. It is marvelous that the author should have been willing to spend the time and thought necessary to construct such a labyrinth of incidents and allusions, and should then have failed to prepare the clue which alone would render his work useful to the student. This criticism is the more inevitable because the author's view has so wide a range that quotations from the poets, accounts of battles, and discussions of the fine arts jostle one another. That page is not an unusual one (Vol. II., p. 635) which contains a reference to the Arctic voyages of Ross and Franklin, to Mrs. Shelley's *Frankenstein* and Keats's *Endymion*, to the first introduction of infant-schools, steam-heating, gas-lighting, macadamized roads, and the velocipede, and finally to the Congress of Aix-la-Chapelle. Only two items in this heap appear in the index, and one of those is entered under the wrong word. The title-page calls attention to the fact that the work contains forty-eight pictures and two maps, a ratio in illustration which may indicate that the books were originally intended for diversion rather than for study. It is clear that the student who confines himself to English in his collection of handbooks of nineteenth century history must for the present continue to make use of such works as Hazell's *Annual Cyclopaedia* and Mueller's *Political History*.

C. H. L.

Of James Q. Howard's *History of the Louisiana Purchase* (Chicago, Callaghan and Co., 1902, pp. 170), it is sufficient to say that, while it may prove informing to the general reader who wishes to learn at a glance, or literally in an evening, what great names and achievements, political principles, and diplomatic victories are connoted by the Louisiana Purchase, it is not a book which will be of any particular service to students and teachers of history. It is comprehensive but it is brief. In 119 pages the author sketches the history of the region on the right bank of the Mississippi from De Narvaez and De Soto to Livingston and Napoleon, from its exploration to its acquisition by the United States. Sixteen pages are devoted to the "Louisiana Purchase States" from 1803 to 1900, barely a page each to twelve titles; and twenty pages are taken up by a supplementary chapter on the "Creators and Preservers of the Republic," including Franklin, Marshall, Jackson, Webster, Lincoln,

has no great regard for accurate following of the original journal nor yearning for minute information as to scientific details such as is to be found in the edition of Dr. Elliott Coues, 1893, these volumes should prove entirely satisfactory. The pages are not fringed with distracting foot-notes nor laden with editorial comment. They contain in most attractive form a reprint of the Biddle edition of 1814. It may not be commonly known, however, that Biddle with the dexterous facility characteristic of the editor of three generations ago took pleasant liberties with his text, and that the real journal is soon to be reprinted without variation.

L'Impératrice Marie-Louise (Paris, Ollendorff, 1902, pp. xi, 628), already in the sixth edition, forms the tenth volume in M. Frédéric Masson's minute and scholarly series of studies of the personal side of Napoleon Bonaparte's life, character, and surroundings. Of the various monographs in this series, those on the Emperor's youth and his intellectual and formative period are already completed; those on his family, his court, and his generals are as yet unfinished. Owing to the character of his plan, M. Masson is concerned with Marie-Louise only as she affected Napoleon. Hence he devotes the bulk of a stout volume of six hundred pages to the six years during which she was empress. Although an enthusiastic Bonapartist, he handles his problem in a broad-minded and discriminating fashion. Seeking neither to excuse nor to condemn, he aims to describe Marie-Louise, in the light of original documents, as she appeared to her contemporaries. He attributes the erroneous judgments concerning her to the failure to take account of three facts: that she was a German by race, having no intimate or tender relations with the people among whom she was condemned to live in exile; that she was an arch-duchess by birth, and carried to France an "historic atavism"; and that she had been educated in an imperial court bitterly hostile to Napoleon and his subjects. In spite of the fact that M. Masson has been handicapped because of the disappearance of most of the correspondence between the Emperor and the Empress during the years from 1812 to 1814, his presentation is adequate and convincing. The life and surroundings of the Empress are described in minute detail, but with a sense of discrimination and seriousness of purpose rising above the gossipy chronicle; in this respect, the picture of the Viennese court in the early years of the last century, and the masterly treatment of the motives and influences leading to Marie-Louise's desertion of Napoleon are particularly noteworthy. It is to be regretted that the author has not seen fit to indicate his sources. But in an introduction, which, it should be said in passing, contains many admirable suggestions on the method of treating a subject of this nature, he frankly states his reasons for withholding his evidence. They are in substance: that foot-notes break the continuity of the narrative; that unless given for every statement, which is practically impossible, they might as well be omitted altogether; and finally, that he does not care to be plagiarized or to be anticipated in the

nality to his chapters upon the part played by la Belgiojoso in the revolutions of 1848-1849, upon her theatrical entry into Milan at the head of two hundred volunteers equipped at her own expense, and upon her weeks of tireless devotion to the wounded and dying in the hospitals of Rome, termed by Barbiera "the apex of her greatness." Her various writings and the fruits of her journalistic energy are examined with relative fulness. Altogether the volume is a good piece of work, worthy of Barbiera's reputation as a writer of readable biography and history, and takes its place with his *Il Salotto della Contessa Maffei* as the best of his publications.

HARRY NELSON GAY.

The publication of a new edition of Angelo Brofferio's *I miei Tempi; Memorie* in ten to twelve volumes has been undertaken by the editors, Renzo Streglio e C., of Turin, it being the first part of a larger collection intended to comprise the writer's principal literary and political works. From the two volumes which have already been issued it appears that the *Memorie* are not being critically reëdited and that, excepting a brief preface and a possible, but as yet unannounced, subject-index, the new edition will contain nothing which is not to be found in the original edition, of which Series I., published in twenty volumes in Turin, 1857-1861, has been long out of print and is very scarce. These *Memorie* have been widely quoted by historians and are recognized as a primary source, indispensable to students of the social and political conditions of Italy during the first sixty years of the nineteenth century. Brofferio, lawyer, poet, dramatist, and journalist, was an honest and fiery leader of the opposition in the Piedmontese Parliament from the date of its creation in 1848, and parts of the later volumes of Series I. deal at special length with the political questions current during the years 1859-1860, some chapters having been published also separately as polemical pamphlets directed against the policy and government of Cavour.

The work, owing to its unchronological and confused arrangement, presents great difficulties to the student who would consult it in research, and it is to be hoped that the new edition will be provided with a full subject-index, unfortunately wanting in the original edition. The publishers have not stated as yet whether they intend to include the three volumes of Series II. of the *Memorie*, published in Milan 1863-1864, and still in print. Though a continuation of Series I., this is quite a distinct publication, and is little known.

HARRY NELSON GAY.

Of exceptional literary, historic, and educational interest is the new volume of miscellanies published by the eminent Italian critic and litterateur, Alessandro d'Ancona, under the title *Ricordi ed Affetti. In memoria d'illustri Italiani, Ricordi di Maestri, Amici e Discepoli, Ricordi di Storia contemporanea (con saggi di musica popolare), Ricordi autobiografici ed Affetti domestici*. (Milan, Treves, 1902.) It is made up entirely of

from the time of the earliest explorations and settlement up to the present. The remaining eight chapters are devoted to the analysis of the constitution, and an exposition of the central and local government. Of especial interest is Appendix B, which contains excerpts from selected historical documents, the early charters referring to Maine while a part of Massachusetts, the articles of separation, and the acts admitting Maine into the Union, together with the full text of the constitution. For convenient reference to the general reader nothing better could be arranged than Appendix C, which gives the state government in outline. This appendix may also serve students as a tabulated form for review of the whole book.

Particularly interesting is Professor MacDonald's treatment of local government. The people of the state ought to know minutely the workings of county and town organization and of the party machinery employed, while the student of politics everywhere needs just such an exposition of the peculiarities of each of the New England states in order to compare and contrast the very different systems of the western and southern portions of our country.

GEORGE EMORY FELLOWS.

remember his recent contributions upon the work of Calvin at Geneva, in continuation of the investigations of Kampschulte.

The death of M. Gaston Paris, which occurred early in March, will be widely and deeply regretted. It takes away one of the world's leaders in the study of the Middle Ages. He was a scholar in philology, but in no narrow sense. His minutest studies had a large perspective; generous human interest and appreciative insight into medieval life characterized what he wrote. Unfortunately the *Littérature Française au Moyen Âge*, with much else, he had to leave unfinished.

The *Revue des Questions Historiques*, founded in 1866 by the Marquis of Beaucourt and directed by him until his death last autumn, will continue to appear as formerly, with the same programme and under the same editorial committee. For director the choice has fallen upon M. Paul Allard, who is well known by his writings upon the early Christian period.

The address delivered at Philadelphia by Captain Mahan, as president of the American Historical Association, forms the leading article of the *Atlantic Monthly* for March: "The Writing of History."

Part I. of the seventh volume of Helmolt's *History of the World* has appeared in the English translation of that work. This is the volume that deals with western Europe to 1800 (Dodd, Mead, and Co.).

There is to be another new Temple series, "The Temple Autobiographies," edited by W. MacDonald. Among the first numbers will be Benvenuto Cellini's *Autobiography*, newly translated by Miss A. MacDonell, and Benjamin Franklin's *Autobiography* (Dent).

The latest volume of the Hakluyt Society (Series II., Vol. IX.) is devoted to Pedro Texeira. It contains his *Travels*, his *Kings of Harmuz*, and extracts from his *Kings of Persia*, translated and annotated by W. F. Sinclair, and with notes and introduction by Donald Ferguson. The Society has also two more volumes in the press.

Dr. Franz Steffens, of the University of Freiburg, is making an important contribution to the means for the study of Latin paleography, by his *Lateinische Paläographie* (Freiburg, Switzerland, B. Veith). One hundred photographic reproductions, with transcription and explanations on the page opposite each example, will be published in three parts: 1-35, to Charles the Great; 36-70, to the beginning of the thirteenth century; 71-100, to the eighteenth century; the first part is to be out about Easter. An introduction will set forth the development of Latin writing. This work is offered to subscribers at the remarkably low price of fourteen marks the part.

In an article in *Minerva* for January 15 M. A. Sorel treats of "Histoire et Mémoires," with reference to three questions: What are the different types of memoirs? How ought memoirs to be published? How ought they to be utilized?

Noteworthy article in periodical : P. Guiraud, *Histoire d'un Financier Romain* (Revue de Paris, January 15).

EARLY CHURCH HISTORY.

Messrs. Longmans, Green, and Co. have just brought out *The Age of the Fathers*, by William Bright ; being chapters in the history of the church in the fourth and fifth centuries. It is a work of a more popular order than Dr. Bright's earlier work on this period, *The History of the Church from 313 to 451*. On the same period they have issued also the second volume (from 324 to 430) of *A History of the Church of Christ*, by Reverend Herbert Kelley.

The eighteenth series of the Cunningham Lectures was given by Dr. Thomas M. Lindsay, principal of Glasgow College, on *The Church and the Ministry in the Early Centuries*. Ten subjects were treated, among them, "The Picture of a Church in Apostolic Times", "The Church of the First Century", "The Church of the Second and Third Centuries", and "The Roman State Religion and its Effects on the Organization of the Church" (New York, A. and C. Armstrong).

Dr. Adolph Harnack has published a second study preliminary to a history of the expansion of the Christian religion in the first three centuries: "Gemeindebildung und Bisthum in der Zeit von Pius bis Constantin", in the *Sitzungsberichte* of the Berlin Academy of Sciences for November 28.

MEDIEVAL HISTORY.

The memory of M. Paul Fabre has been honored by his friends through the publication of a volume of studies relating to medieval history: *Mélanges Paul Fabre. Études d'Histoire du Moyen Âge*. It contains thirty-three pieces (Paris, Picard).

Mr. Joseph McCabe, known of late by his *Abelard*, has written also *St. Augustine and his Age*, in which he proceeds by the aid rather of psychology than of theology (Putnam).

We have received a reprint of an article by Dr. David S. Schaff which appeared in the *Reformed Church Review* for January (pp. 94-107): "The Monasticism of the Middle Ages." It is a very general treatment, as may be clear from its length.

Messrs. Longmans are just publishing *The Destruction of the Greek Empire and the Story of the Capture of Constantinople by the Turks*, by Edwin Pears. Mr. Pears explains that there is important material at hand now which was not available to Gibbon.

A great part of the last two fascicles of the *Analecta Bollandiana* for 1902 is devoted to an index of Latin accounts of miracles of the Virgin written during the period from the sixth to the fifteenth century: *Index Miraculorum B. V. Mariæ quæ Saec. VI.-XV. Latine Conscripta Sunt*, by Alb. Poncelet.

Students of heraldry may find of service two new extensively illustrated volumes by J. Foster: *Some Feudal Coats of Arms* (London,

Mr. H. R. F. Bourne, in order especially to vindicate the Aborigines Protection Society, has been led to write a book which is of the highest interest to students of the history of Europe in Africa: *Civilisation in Congoland: a Story of International Wrongdoing*, with a prefatory note by Sir Charles Dilke (London, P. S. King).

Noteworthy articles in periodicals: M. A. Tucker, *Gian Matteo Giberti, Papal Politician and Catholic Reformer*. I. (English Historical Review, January); H. D. Foster, *Brunetiere on the Work of Calvin* (Bibliotheca Sacra, January); P. Sakmann, *Ein Beitrag zur Biographie Voltaires* (Historische Zeitschrift, XC., 2); Louis Madelin, *Pie VI et la Première Coalition* (Revue Historique, January); Chr. Waas, *Bonaparte in Jaffa* (Historische Vierteljahrschrift, January); *The Rise and Influence of Darwinism* (Edinburgh Review, October).

GREAT BRITAIN AND IRELAND.

The Royal Historical Society will publish soon, as a memorial volume, careful bibliographies of Bishops Stubbs and Creighton, Dr. Gardiner, and Lord Acton.

"The Roman Legions in Britain, A. D. 43-72," by W. B. Henderson, forms the leading article of the *English Historical Review* for January. It gives a resumé of the various theories maintained, and makes definite choice between them.

Number 5 of the first volume of *The University of Missouri Studies* is devoted to "The Right of Sanctuary in England," by Professor Norman M. Trenholme (The University of Missouri, 1903, pp. 106). A study in institutional history, it aims "to give a concise and logical account of the English form of church asylum known as right of sanctuary, with its attendant forms, usages and customs, and the place it held in the national life of the country during the centuries in which the institution existed."

Messrs. Longmans have in the press *A Social History of Ancient Ireland*, by P. W. Joyce; two octavo volumes, with numerous illustrations.

At a meeting of the Royal Historical Society held in January Mr. Alexander Savine read a paper on "The Elizabethan Bondmen." It will be published in the next volume of *Transactions*.

Recently published materials relating to modern English history include Volume XXVI. of *Acts of the Privy Council*, in which Mr. Dasent carries the record from July, 1596, to March, 1597, and the *Calendar of State Papers, — Domestic* for 1673, edited by Mr. Daniell.

Messrs. Longmans are issuing a new and cheaper edition (Cabinet Edition) of S. R. Gardiner's *History of the Commonwealth and Protectorate, 1649-1656*, in four volumes, one of which is now out. Mr. Gardiner left only one chapter of the final volume ready for publication; this will appear as an extra chapter in the new edition, and also as a supplement to the Library Edition.

In *Robert Harley, Earl of Oxford, Prime Minister, 1710-1714*, a study of politics and letters in the age of Anne, Mr. E. S. Roscoe en-

to present within reasonable compass a description of the actual working of the English government with some reference to its history and theory."

Three biographies of special interest are announced by Messrs. Macmillan: *Bishop Westcott*, by his son Reverend Arthur Westcott; *Sir George Grove*, by C. L. Graves; and *Charlotte M. Yonge*, by Christabel Coleridge. They also have in hand Mr. Bryce's *Biographical Studies*, which include Gladstone, Dean Stanley, Beaconsfield, Cardinal Manning, J. R. Green, T. H. Green, Parnell, Freeman, and Lord Acton.

English History told by English Poets (New York, The Macmillan Co., 1902, pp. xv, 452), compiled by Katharine Lee Bates and Katharine Coman, may serve not only to illustrate and enliven the study of English history in the schools, but also to introduce the youthful scholar to some of the British classics not readily accessible in any one place. Each selection is prefaced by an historical note, while difficult phrases and allusions are elucidated in an appendix. It is questionable whether a work of this sort can be used as an independent reader; but for supplementary or introductory purposes it should prove of value.

Noteworthy articles in periodicals: Charles Gross, *Modes of Trial in the Mediæval Boroughs of England* (Harvard Law Review, XV., No. 9); C. H. Firth, *Cromwell and the Crown*, II. (English Historical Review, January); *Diarists of the Last Century* (Quarterly Review, January).

FRANCE.

M. A. Molinier has finished the third fascicle of his part in *Les Sources de l'Histoire de France*. It bears the sub-title, "Les Capétiens (1180-1328)" (Paris, Picard).

The latest fascicles of the Lavis *Histoire de France* give Professor H. Lemonnier's survey of "Les Guerres d'Italie. La France sous Charles VIII, Louis XII, et François I" (1492-1547)."

An important thesis was sustained at the University of Paris at the end of December by M. Gustave Dupont-Terrier on the local institutions of France at the end of the Middle Ages: *Les Officiers Royaux des Baillages et Sénéchaussées et les Institutions Monarchiques Locales en France à la Fin du Moyen-Âge*.

In the *Bulletin* of the New York Public Library for December last is printed, from the Hardwick manuscripts in that library, a letter concerning the assassination of Henry IV.: "Sir Ralph Winwood to Earl Salisbury on the Assassination of Henry IV., in 1610."

Two new editions of Carlyle's *French Revolution* have appeared lately, each in three volumes and each with introduction, notes, and appendixes; one being prepared for Messrs. Macmillan by J. H. Rose, the other for Messrs. Putnam by C. R. L. Fletcher.

It has been generally agreed that Bretagne played an important rôle in the Revolution. However, just what that rôle was and how it was

editors have been adding masses of irrelevant documentary material. In place of this method Professor Aulard suggests that such a collection should contain, first, a reprint of the *procès-verbal*; second, an account taken wholly from one newspaper, not necessarily the same newspaper for every session; and, third, a selection of other pieces useful for an understanding of the session. It is the hope of these societies to persuade the government not only to change the method for future volumes, but also to print in four or five supplementary volumes the *procès-verbal* up to April 19, 1793.

Messrs. Henry Holt and Co. will publish a translation, edited by Professor E. G. Bourne, of M. Auguste Fournier's *Napoleon I.* It will be accompanied by a critical bibliography of Napoleonic literature.

The third and final volume of M. Paul Viollet's indispensable *Histoire des Institutions Politiques et Administratives de la France* was published in January (Paris, Larose).

Noteworthy articles in periodicals: G. Clément-Simon, *Un Conseiller du Roi François I^{er}*; *Jean de Selve, premier Président du Parlement de Paris, Négociateur du Traité de Madrid* (Revue des Questions Historiques, January); A. Mathiez, *Le Bureau Politique du Directoire; Notes et Documents* (Revue Historique, January); P. Conard, *Les Mémoires de Marbot* (Revue d'Histoire Moderne et Contemporaine, January); F. Masson, *L'Exode de Lucien Bonaparte* (Revue de Paris, January).

SPAIN, PORTUGAL, ITALY.

The history of the Jews in Spain and Portugal furnishes the subject-matter of two articles in the January number of the *Jewish Quarterly Review*: "The Jews and the Spanish Inquisition," by R. J. H. Gottheil; and "The Jews in Portugal from 1773 to 1902," by Cardozo de Bethencourt.

The Italian government took an important step last autumn looking toward the gradual arrangement of an efficient central administration for the numerous public archives throughout Italy. Those who contemplate working in these archives may be interested in a short account of the decree of September 9, in the September-December number of the *Bibliographie Moderne*: "Le Nouveau Règlement Général des Archives d'État Italiennes," by E. Casanova.

GERMANY.

Eleven studies in the legal and economic history chiefly of the German peasantry, published hitherto in more or less inaccessible periodicals, have been revised and collected into one volume by their author, Dr. Theodor Knapp, of Tübingen: *Gesammelte Beiträge zur Rechts- und Wirtschaftsgeschichte vornehmlich des deutschen Bauernstandes* (Tübingen, H. Laupp).

The leading article in the current number of the *Historische Zeitschrift* (XC., 2) is an admirable treatment of "Das Contributionssystem

of the north. Among his publications are *Kritische Bidrag til Vikingetidens Historie*, *Monumenta Historica Norvegica*, and an edition and translation of Snorre Sturlasson's *Kongesagaer*.

In preparation for the "Cambridge Historical Series" are *Scandinavia*, a history of the three northern kingdoms from the end of the fifteenth century to the year 1900, by R. Nisbet Bain, and *The Expansion of Russia, 1815-1900*, by F. H. Skrine.

Noteworthy article in periodical: J. F. Chance, *The "Swedish Plot" of 1716-7* (English Historical Review, January).

AMERICA.

Scribner's Magazine, beginning with the February number, has a series of papers, by various authors, on the government of the United States. So far have appeared "The Presidential Office," by James Ford Rhodes, and "The Supreme Court of the United States," by Justice Brewer.

The *Literature of American History, Supplement for 1900 and 1901*, edited by Philip P. Wells, continues the work which was edited by Mr. J. N. Larned; as in that, there are critical and descriptive annotations.

Important changes have been made with reference to the quarterly *Americana Germanica*. It is being continued, since January, by the *German American Annals*, a monthly devoted to the comparative study of the historical, literary, linguistic, political, commercial, and other relations of Germany and America. Besides articles—some scientific, others of more popular interest—each number is to contain reviews, book notices, and lists of new publications. In addition it will be the organ of the German American Historical Society, the National German American Alliance, and the Union of Old German Students in America. The old name, *Americana Germanica*, will be continued as the title of a series of monographs. The January number of the *Annals* contains, among other articles, a preliminary report on some work for the American Ethnographical Survey, and an edition of "Benjamin Herr's Journal, 1830": both by the editor, M. D. Learned.

The Burrows Brothers Company, of Cleveland, have issued, in their series of reprints of early Americana, Wolley's *A Two Years' Journal in New York and Part of its Territories in America*, from the original edition of 1701, with an introduction and notes by Professor E. G. Bourne; *A Character of the Province of Maryland*, by George Alsop, from the original edition of 1666, with introduction and notes by Professor Newton D. Mereness; *Good Order established in Pennsylvania and New Jersey*, by Thomas Budd, from the original edition of 1685, with introduction and notes by Frederick J. Shepard; and Daniel Denton's *A Brief Description of New York formerly called New Netherlands*, from the original edition of 1670, with introduction by Felix Neumann. The volumes contain facsimile reproductions of the title-pages of the old

In the "Monograph Series" of the United States Catholic Historical Society appears *Unpublished Letters of Charles Carroll of Carrollton and of his Father Charles Carroll of Doughoregan* (New York, 1902). They are compiled and edited by Thomas Meagher Field, who also writes a short introductory memoir. Most of the letters, it seems, have been really unpublished heretofore; some few extracts, the preface tells us, appeared in 1874 in *Appleton's Journal*.

The Valley Forge Orderly Book of General George Weedon, of the Continental Army under Command of General George Washington, in the Campaign of 1777-8, describes the events of the battles of Brandywine, Warren Tavern, Germantown, and Whitemarsh, and of the camps at Neshaming, Wilmington, Pennypacker's Mills, Skippack, Whitemarsh, and Valley Forge (Dodd, Mead, and Co.).

The Bibliophile Society, of Boston, is expecting to publish sometime this year—for its members only—the journal kept by Major André while serving on the staff of General Grey in the Revolution. This journal, the manuscript of which was recently discovered at Howick, in Northumberland, extends from June of 1777 to the close of 1778. It includes forty-four maps which will be reproduced in facsimile. Senator Lodge will contribute an introduction.

Colonel John Gunby of the Maryland Line, by A. A. Gunby, is published by the Robert Clarke Company (Cincinnati, 1902, pp. v, 136). A good portion of the volume is taken up with a consideration of the campaigns in the south, 1779-1781. The author takes issue with the court of enquiry which declared that Gunby's "improper and unmilitary" order at the battle of Hobkirk's Hill, April 25, 1781, was "in all probability the only cause why we did not obtain a complete victory."

Messrs. A. S. Barnes and Co. announce *The Real Benedict Arnold*, by Charles Burr Todd, in which Arnold's treason will be traced to the influence of his wife and his fear of losing her in case her own treasonable correspondence with the British officers should be discovered.

Mrs. Gertrude Atherton has collected some of Hamilton's letters, with the idea of enabling Hamilton's admirers to form a much more close estimate of his character than is possible from other sources: *A Few of Hamilton's Letters* (Macmillan).

Mr. Gaillard Hunt has written *The Life of James Madison* for "The Biographical History of the United States," of which it will form the first volume (Doubleday, Page, and Co.).

Mr. Charles Francis Adams delivered a speech at the dinner of the New England Society, of Charleston, S. C., December 22, 1902, on "The Constitutional Ethics of Secession," in which he shows that the growing differences between the north and south were due to changing conditions that were really responsible for the final outcome: the individual was more and more minimized, a sort of great fatalistic process led on to the inevitable and unexpected, and at last the question of secession was

No one can be better qualified than the late editor of the *Toronto Globe* for writing a history of political affairs in Canada since the Confederation, a period during which the Dominion has been steadily laying the foundation of a nation.

The same publishers propose issuing this year a series of biographies to be called the "Makers of Canada." Among the first volumes to be brought out are those on Champlain by N. E. Dionne, Wolfe and Montcalm by the Abbé Casgrain, Simcoe by D. C. Scott, Egerton Ryerson by Chancellor Burwash, Cartier by A. D. De Calles, Haldimand by Miss McIlwraith, Elgin by Sir John Bourinot, Broch by Lady Edgar, Dorion by Sir Wilfred Laurier, Frontenac by W. D. Le Sueur.

Mr. C. C. James, Deputy Minister of Agriculture, Ontario, has issued some copies of the paper which he contributed to the Royal Society of Canada, on the "First Legislators of Upper Canada." It contains within its twenty-seven pages a mass of information, political and personal, about the formation of parliamentary government (1792-1796) in what is now Ontario.

Our list of local financial histories has been notably increased by a late number in the *Publications* of the American Economic Association: "A History of Taxation in New Hampshire," by Maurice H. Robinson (Macmillan).

Mr. Daniel Munro Wilson is the author of *Where American Independence Began* (Boston, Houghton, 1902, pp. xiii, 289). It is a narrative, not unpleasantly written in spite of a plethora of exclamation and interrogation, of old Braintree and Quincy, and of the men and women who made the place famous.

We have received a reprint of an article which appeared in the January number of the *New England Historical and Genealogical Register*: "Ezekiel Cheever," by John T. Hassam. The writer's purpose is to insure greater publicity to a correction that he has made twice before, to the effect that Cheever was not the author of the Latin and Greek poems preserved in manuscript in the library of the Boston Athenæum and first published in the *Register* in 1879.

The history of Rhode Island seems to be receiving considerable attention of late. We have had two volumes by Mr. Richman (Putnam), noticed in this number of the REVIEW, for the time of Roger Williams; and two volumes of *Correspondence of the Colonial Governors of Rhode Island, 1720-1775*, edited by Gertrude S. Kimball (Boston, Houghton, Mifflin, and Co.). Also Mr. S. S. Rider, of Providence, announces that he has nearly completed his *History of the Development of a Constitutional Government in Rhode Island*; and Reverend Lucian Johnson has lately dealt with the question of priority in the establishment of religious liberty as between the colonies of Roger Williams and Lord Baltimore: *Religious Liberty in Maryland and Rhode Island* (Brooklyn, International Catholic Truth Society, pp. 56).

The University of North Carolina has published, as Number 3 of the *James Sprunt Historical Monographs*, "Letters of Nathaniel Macon, John Steele, and William Barry Grove," edited by Professor Kemp P. Battle. The letters bear various dates between 1792 and 1824, and deal with both national and state affairs. The editorial work is marked especially by copious explanatory notes.

The *South Carolina Historical and Genealogical Magazine* for January continues "Papers of the Second Council of Safety"; likewise "Letters from Hon. Henry Laurens to his son John, 1773-1776." Besides it begins an extensive genealogy: "The Descendants of Col. William Rhett, of South Carolina."

The *American Historical Magazine* for January contains: "William Blount and the old Southwest Territory", by A. V. Goodpasture; "The Genesis of the Peabody College for Teachers", by W. R. Garrett; "Madison County", continued, by J. G. Cisco; "The Preservation of Tennessee History," by R. A. Halley — bearing on a state of affairs by no means confined to Tennessee; "The Development of Education in Tennessee," by H. M. Doak; and "From Bardstown to Washington in 1805," an unsigned diary.

The Michigan Pioneer and Historical Society is preparing to publish, from the library of Mr. C. M. Burton in Detroit, a collection of valuable papers relating to the War of 1812 and throwing much additional light upon the movements of the army in the northwest and Canada. They include the Askin papers, the Woodbridge papers, and a quantity of military records evidently captured from the British at the battle of the Thames.

The State Historical Society of Wisconsin has begun to print in its *Collections* (Vol. XVI.) the more important documents throwing light upon the French régime in Wisconsin. The materials are gathered from various sources, chiefly perhaps from the *Jesuit Relations*. The intention is not to print documents hitherto unpublished, but to bring together into one place the most useful matter for the understanding of early Wisconsin history. The volume contains a number of good illustrations, helpful notes, and an index.

In the January *Quarterly* of the Texas State Historical Association one finds especially *The Tampico Expedition*, an episode of the Texas revolution, by Eugene C. Barker, and *Tienda de Cuervo's Ynspeccion of Laredo, 1757*, by H. E. Bolton, which is a translation, with notes, of documents upon the beginnings of Laredo. There is also the second installment of "Reminiscences of C. C. Cox," and the beginning of "Reminiscences of Early Texans," collected from the Austin papers by J. H. Kuykendall.

In the *Proceedings and Collections of the Nebraska State Historical Society*, second series, Volume IV., appears a substantial book by Thomas Weston Lipton, entitled "Forty Years of Nebraska, at Home and in

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THE EARLY NORMAN JURY

THE continental derivation of the system of trial by jury is now generally accepted by scholars. First demonstrated thirty years ago by Brunner in his masterly treatise on the origin of juries,¹ this view has at length triumphed over the natural disinclination of Englishmen to admit that the palladium of their liberties "is in its origin not English but Frankish, not popular but royal."² Whatever one may think of the Scandinavian analogies, there is now no question that the modern jury is an outgrowth of the sworn inquests of neighbors held by command of the Norman and Angevin kings, and that the procedure in these inquests is in all essential respects the same as that employed by the Frankish rulers three centuries before. It is also the accepted opinion that while such inquests appear in England immediately after the Norman conquest, their employment in lawsuits remains exceptional until the time of Henry II., when they become, in certain cases, a matter of right and a part of the settled law of the land. From this point on, the course of development is reasonably clear; the obscure stage in the growth of the jury lies earlier, between the close of the ninth century, when "the deep darkness settles down" over the Frankish empire and its law, and the assizes of Henry II. Information concerning the law and institutions of this intervening period must be sought mainly in the charters of the time, and it is upon their evidence that Brunner based his conclusions as to the persistence of the Frankish system of inquest in Normandy. Unfortunately the great German jurist was obliged to confine his in-

¹ Brunner, *Die Entstehung der Schwurgerichte* (Berlin, 1872). Brunner's results are accepted by Stubbs, *Constitutional History* (sixth edition), I. 652 ff.; Pollock and Maitland, *History of English Law* (second edition), I. 138 ff.; Thayer, *Development of Trial by Jury*, ch. II.

² Pollock and Maitland (2d ed.), I. 142.

others, Brunner discerned the capital importance of this cartulary to the student of legal history, and urged its immediate publication, but his appeal brought no result until last summer, when the first volume of an edition appeared.¹

Through the kindness of M. Deslandes, archivist of the chapter and honorary canon of the cathedral of Bayeux, I was permitted, in August last, to collate the manuscript of the cartulary, which is still preserved in the cathedral library; and an examination of the manuscript disclosed some significant evidence which seems to have escaped earlier investigators and does not appear in the printed text. As is often true in such cases, the study of the cartulary may seem to raise as many questions as it settles, but some points of importance may be determined, and we are also enabled to see more of the setting of documents already known and to understand more clearly the workings of the Norman judicial system.²

One of the most interesting portions of Brunner's work is that which treats of the date when the procedure by recognition ceased to be an exclusive prerogative of the king and became part of the regular system of justice.³ This extension of the king's preroga-

¹ *Antiquus Cartularius Ecclesiæ Baiocensis (Livre Noir)*, edited by Bourrienne, I. (Rouen and Paris, 1902, Société de l'Histoire de Normandie). The chief defects of the edition are the failure to indicate where doubtful abbreviations or initials have been extended, to observe the indications of authorship preserved on the margins, and to fix with precision the dates of the documents. A defective analysis of the cartulary was published by Léchaudé d'Anisy in the *Mémoires de la Société des Antiquaires de Normandie*, VIII. 435-454, and extracts from it are in his papers at the Bibliothèque Nationale (MS. Lat. 10064) and in the transcripts made by him for the English government and preserved at the Public Record Office (*Cartulaire de la Basse Normandie*, I. 46-53). It would be hard to find anything more careless and unintelligent than this portion of Léchaudé's copies, which form the basis of the analyses in Round's *Calendar* (Nos. 1432 ff.). As a specimen may be cited his account of Nos. 34 to 42 of the cartulary: "Suivent neuf autres, brefs du même roi Henry II. qui n'offrent maintenant pas plus d'intérêt que les vingt-six précédentes." As a matter of fact only three of these documents emanate from Henry II., three being of Henry I., one of Geoffrey, one of Robert, earl of Gloucester, and one of Herbert Poisson; while three of the documents are of decided importance in relation to the Norman jury. Some use was made of the *Livre Noir* by Stapleton in his edition of the Norman exchequer rolls and by Delisle in his essay on Norman finance in the twelfth century (*Bibliothèque de l'École des Chartes*, X. 173 ff.). Brunner used Delisle's copies, from which he published numerous extracts in his *Schwurgerichte*. Sixteen of the documents of most importance for the history of the jury are printed by Bigelow in the appendix to his *History of Procedure*, Nos. 40-55, but without any serious effort to determine questions of date and authorship (cf. Brunner in *Zeitschrift der Savigny-Stiftung, Germ. Abt.*, II. 207).

² The Bayeux cartulary preserved at the Bibliothèque Nationale (MS. Lat. n. a. 1828) and the documents contained in the *Ordinaire et Coutumier de l'Église Cathédrale de Bayeux*, published by Chevalier as the eighth volume of his *Bibliothèque Liturgique*, contain but little bearing on the jury. There is nothing on this subject in the Bayeux cartularies in the Philipps Library at Cheltenham (MSS. 10337, 21709).

³ Chapter XIV.: "Die Einführung des ordentlichen Recognitionsprocesses."

Normandy and count of Anjou whose name is left blank in the cartulary. One of them¹ directs two of the duke's justices to determine by recognition, *secundum asisiam meam*, who was seized of certain fiefs in the time of Henry I.; the other commands another justice to hold recognition throughout his district, *secundum assisiam meam*, concerning the fiefs of the bishop of Bayeux, and at the same time threatens one of the bishop's tenants with such a recognition unless he gives up a knight's fee wrongfully withheld from the bishop.² While the author of the second and third of these documents (Nos. 25 and 24) is not named, the style of duke of Normandy and count of Anjou was used only by Geoffrey Plantagenet and by Henry II. between his father's death in 1151 and his coronation as king in 1154.³ That the duke in question was not Geoffrey, Brunner was led to maintain from the recurrence of the phrase *assisa mea* in the writ of Henry relating to Caen; if "my assize" meant Henry's assize in the one case, it must have meant his assize in the other.⁴ Inasmuch as the assize referred to is obviously a general ordinance concerning the procedure by recognition, the introduction of this form of procedure is to be ascribed to its author, the young duke Henry II.

Such is the essence of Brunner's argument, which hinges upon two points — the meaning of the phrase *assisa mea*, and the authorship of the two anonymous writs, Nos. 24 and 25. In the matter of authorship Brunner, while confident of his interpretation — and his confidence seems to have grown into certitude since the publication of the *Entstehung*⁵ —, still admitted that a final decision was

¹ *Livre Noir*, No. 25; Bigelow, 393, No. 47; Brunner, 302, No. 2; not in Round.

² *Livre Noir*, No. 24; Bigelow, 392, No. 46; Brunner, 302, No. 3; Round, No. 1439; Stapleton, *Magni Rotuli Scaccarii Normannie*, I. xxxiv.

³ Henry received the duchy of Normandy from his father in 1150 and became count of Anjou on his father's death, September 7, 1151. His marriage with Eleanor in 1152 gave him the additional title of duke of Aquitaine. The absence of the last-named title from one of his charters does not, however, prove that the document is anterior to his marriage, as may be seen from an original published by Delisle (*Cartulaire Normand*, No. 7; Round, *Calendar*, No. 1279) which cannot be earlier than Henry's visit to England in 1153. Nos. 24 and 25, if of Henry, would fall between 1151 and 1154; Brunner places them between 1150 and 1152.

⁴ *Schwurgerichte*, 303 and note, where the silence of No. 39 in the *Livre Noir* is also urged. Brunner's conviction seems to have been fortified by the authority of Delisle (see *Zeitschrift der Savigny-Stiftung, Germ. Abt.*, II. 207), although Delisle, perhaps following Stapleton, had formerly assigned No. 24 to Geoffrey (*Bibliothèque de l'École des Chartes*, X. 260, note 2). Round, who does not calendar No. 25, ascribes No. 24 to Geoffrey (*Calendar*, No. 1439).

⁵ In 1896 in a review of Pollock and Maitland he says: "Nach Lage der Urkunden des Liber niger capituli Baiocensis ist es zweifellos, dass die Einführung der Recognitionen in der Normandie 1150–1152 stattfand." *Zeitschrift der Savigny-Stiftung, Germ. Abt.*, XVII. 128. Cf. *ibid.*, II. 207; Holtzendorff, *Encyclopädie der Rechtswissenschaft*, edition of 1890, 325; *Political Science Quarterly*, XI. 537.

impossible before the rich treasures of the *Liber Niger* should be accessible in print. Now that the published cartulary lies before us, it appears that while the editor follows Brunner in ascribing the critical documents to Henry II., he brings no new evidence to light; the name of the duke does not appear in the printed text. Fortunately, however, a close examination of the manuscript of the cartulary reveals something more. Those familiar with the habits of medieval scribes are aware that when, as here, the initial letter was left blank for the rubricator, it was usual to give him some indication of the omitted letter by marking it lightly in the blank space or on the margin.¹ Now an attentive examination of the well-thumbed margins of the *Livre Noir* shows that the initial was clearly indicated in a contemporary hand, and that not only in Nos. 24 and 25 but in ten other documents left anonymous in the edition² the initial is G. The author of the writs in question was accordingly not Henry, but his father Geoffrey. "My assize" was Geoffrey's assize in the first instance, even if the expression was later adopted by Henry; and if Brunner's contention is sound as to the conclusion to be drawn from the phrase, it was Geoffrey Plantagenet who first established the recognition as a regular form of procedure in Normandy. In continuing the employment of this procedure in Normandy and in extending it to England Henry II. was simply carrying out the policy begun by his father. This conclusion necessarily follows if we accept Brunner's premises, but one of them, the phrase *assisa mea*, requires further investigation. Before undertaking, however, to analyze in detail the writs in which this expression is found, it is necessary to place them in their proper setting by tracing the history of the litigation concerning the rights and possessions of the bishop of Bayeux and by examining, as carefully as the material at hand permits, the procedure employed in the bishop's behalf.

The see of Bayeux, which had occupied a position of wealth

¹ Where they have often been cut off in binding.

² Nos. 16, 17, 18, 19, 30, 43, 44, 89, 90, 100. Throughout the cartulary the initial letter of charters is again and again indicated in this way, only in most of the other cases the rest of the first word was written out in the text, so that the missing letter could readily be supplied without recourse to the margin. The charters of Henry II. regularly (No. 436 seems to be the only exception) have something more of the duke's name than the initial. In all the charters of Geoffrey, as well as in many others, there is also a marginal "sic" in what appears to be a somewhat later hand, evidently that of a medieval collator.

M. Henri Omont, head of the department of manuscripts of the Bibliothèque Nationale, who happened to visit the chapter library just as I had finished examining the manuscript of the cartulary, had the kindness to verify my reading of the marginal initials. In the Bayeux cartulary in the Bibliothèque Nationale (MS. Lat. n. a. 1828, f. 154) No. 17 of the *Livre Noir* likewise appears with the initial G. indicated, this time in the blank space itself.

and importance in the eleventh century, especially in the days of Bishop Odo, the famous half-brother of William the Conqueror, suffered serious losses from the weakness and neglect of Odo's immediate successors, Torold and Richard Fitz-Samson.¹ After Richard's death in Easter week, 1133,² "in order that the church of Bayeux might not be utterly ruined," Henry I. ordered an inquest to be held, on the oath of ancient men who knew the facts, to ascertain the holdings of the church as they had existed in Odo's time, with respect both to the demesne and to the fiefs of knights, vavasors, and rustics. Accordingly "all these were sworn and recognized and by the king's command restored to the said church," which was confirmed in its possessions by a royal charter.³ The writ directing this inquest, the record of the returns from the bishop's demesne,⁴ and the confirmatory charter are referred to in documents of Geoffrey and Henry II., but they have not come down to us. Fortunately, however, the returns of the inquest relating to military tenures have been preserved and give an idea of the procedure employed. The recognition was held before the King's son, Robert, earl of Gloucester, sent to Bayeux for this purpose immediately after the death of Bishop Richard. Twelve⁵ men were chosen, and sworn to tell the truth concerning the fiefs and services; and their returns, besides stating the military obligations of the bishop and the customary reliefs and aids due him, cover in detail the holdings and services of his knights and vavasors, beginning with the principal tenant, Earl Robert himself, whose statement is incorporated verbally into their report.⁶

¹ On the history of the possessions of the see cf. Bourrienne's introduction to his edition of the *Livre Noir*, xxxiii. ff.

² Ordericus Vitalis, ed. Le Prévost, V. 31.

³ Ne funditus ecclesia predicta destrueretur, provide Henricus rex, avus meus, instituit ut iuramento antiquorum hominum qui rem norant recognoscere teneantur iam dicte ecclesie sicut fuerant in tempore predicti Odonis, tam in dominicis quam in feodis militum, vavassorum, et rusticorum; ipsius equidem tempore hec omnia iurata sunt et recognita et sepe dicte ecclesie precepto eius resignata et munimine carte sue, quocumque modo a possessione ecclesie alienata essent, reddita sunt et confirmata. Writ of Henry II., *Livre Noir*, No. 14; Brunner, 264; Bigelow, 389. The inquest of Henry I. is also mentioned in a bull of Lucius II. (*Livre Noir*, No. 206) and in a later writ of Henry II. (*ibid.*, No. 32). The date is fixed by a document of Geoffrey (*ibid.*, No. 39): post mortem Ricardi episcopi, filii Sansonis.

⁴ Recognitum est sicut continebatur in scripto quod factum fuerat secundum iuramentum quod rex Henricus antea fieri preceperat. *Livre Noir*, No. 39; Bigelow, 395. That this *scriptum* was not the same as the *carta* seems probable from the different word used and from the preservation of a separate record of the military tenures.

⁵ Only eleven are given in the returns, but twelve are named in the *Red Book of the Exchequer*, the name of Helto the constable having been omitted from the Bayeux text.

⁶ The document was first published by Léchaudé from a private copy (now MS. Lat. 10064 of the Bibliothèque Nationale, f. 3) made from a register formerly in the

The second commanded the clergy and people of the diocese to render due obedience to the bishop, and after annulling all grants and sales of church property made since the time of Bishop Odo, ordered its restitution to the church of Bayeux on the tenure by which it should be proved, on the oath of lawful witnesses, to have been held in Odo's time.¹ The third bull was addressed to Geoffrey, count of Anjou, who had just succeeded in making himself master of Normandy,² and directed him to cause the possessions of the see of Bayeux to be declared by the sworn statement of lawful men of the region, in the same manner as they had been recognized in the time of his father-in-law, Henry I.³ These bulls were re-issued in March, 1145,⁴ by the successor of Lucius, Eugene III., who also rebuked the encroachments of various monasteries and individuals upon the rights of the bishop,⁵ but from this point on we need concern ourselves no longer with the acts of the popes, but turn our attention to the machinery of secular justice which they seem to have set in motion.

For a study of the recognitions held concerning the lands of the bishop of Bayeux under Duke Geoffrey the evidence consists of ten documents in the *Livre Noir* emanating from Geoffrey or his justices,⁶ and a number of references to these and to others made in documents of Henry II.⁷ The inquests to which these writs and charters relate are of course subsequent to the conquest of Normandy by Geoffrey in 1144 and anterior to his relinquishment of the duchy to his son Henry in 1150,⁸ and it is altogether likely that they fall after the bull of Eugene III. of March, 1145.⁹ The documents are issued at various places — Rouen, Le Mans, Bayeux — and wit-

¹ *Ibid.*, No. 157; Jaffé-Löwenfeld, 8612.

² Robert de Torigni, ed. Delisle, I. 233-234.

³ *Livre Noir*, No. 206.

⁴ Only the reissues of the first two have come down to us (*Livre Noir*, Nos. 155, 173), but it is implied in No. 39 that the bull to Geoffrey was likewise repeated.

⁵ *Livre Noir*, Nos. 190, 159 (the Pope's itinerary makes it clear that these are of 1145); 186, 199 (these two may be of either 1145 or 1146); 198 (clearly of 1146); 191 (of 1147—cf. the Pope's itinerary and No. 41); and 192.

⁶ Nos. 16, 17, 19, 24, 25, 39, 43, 44, 89, 90. Bigelow, *History of Procedure*, 390 ff., Nos. 43-47, 51-55. Cf. Brunner, *Schwurgerichte*, 265 ff., 302. The first letter of each of these is in blank in the cartulary, but in every case G appears on the margin.

⁷ Nos. 9, 12, 14, 32, 36. Of these only Nos. 14 and 32 are in Bigelow (Nos. 42 and 49).

⁸ This date has been attacked by Miss Norgate (*England under the Angevin Kings*, I. 369, note; *Dictionary of National Biography*, under "Henry II."), who prefers 1148; but the evidence of the chroniclers tells strongly in favor of 1150 (Howlett, *Chronicles of Stephen*, IV. 161, note 3; Robert de Torigni, ed. Delisle, I. 253, with note 4), and the method of reckoning in a charter of Henry fixes the date between January, 1150, when he arrived in Normandy, and November of that year (Round, *Calendar*, No. 820).

⁹ *Predictorum patrum nostrorum Lucii pape et Eugenii litteris commoniti. Livre Noir*, No. 39.

tion on the oath of good men of the vicinage concerning the limits of the *banlieue*, its customs, forfeitures, and warren, and to put Bishop Philip in such possession of them as his predecessors had enjoyed under William the Conqueror and Henry I.¹ The inquest was held by the duke's justices, Robert de Neufbourg and Robert de Courci, in the church of St. Gervais at Falaise. The jurors were chosen from the old and lawful men residing within the district in question, some of whom had been officers (*servientes*) of the *banlieue* in the time of King Henry, and care was taken to summon a larger number than the justices ordinarily called, eighteen² in all, and to see that they represented the lands of different barons. On the basis of what they had heard and seen and knew the recognitors swore to the boundaries of the *banlieue* and to the bishop's tolls, fines, warren, and rights of justice. The justices then drew up returns addressed to the duke, stating the verdict found and the names of the jurors,³ and on the basis of these the duke issued a charter embodying the results of the recognition.⁴ The inquest concerning the other manors of the bishop was held in the choir of the cathedral at Bayeux by Richard de la Haye, Robert de Neufbourg, Robert de Courci, and Enjurer de Bohun, specially deputed by the duke for this purpose. The evidence of the recognitors, comprising several ancient and lawful men from each manor, was found to be in entire agreement with the written returns of the inquest held under Henry I., and a statement to this effect was embodied in a charter of the duke, which further specified as belonging to the bishop's demesne the estates of Carcagny and Vouilly, the fosse of Luchon, and "the Marsh and its herbage, including the reeds and rushes."⁵ A special charter was also issued for Carcagny and Vouilly.⁶ The bishop's forests were likewise the object of an inquest, but the writ and charter issued in this case, though cited by Henry II.,⁷ have not come down to us.

¹ *Livre Noir*, No. 17; MS. Lat. n. a. 1828, f. 154, No. 401.

² Eighteen, according to the return of Robert de Neufbourg, but only seventeen names appear in the lists.

³ Nos. 43, 44 (cf. 32). Each of these returns is in the name of both justices, but in one case the name of Robert de Neufbourg, and in the other that of Robert de Courci appears first. Brunner (p. 266) suggests the natural explanation that in each case the document was drawn up by the justice whose name appears first. The similar reports of the recognition in regard to Cheffreville (Nos. 89, 90) are made by the justices individually.

⁴ No. 39, where the facts with regard to Cambremer are set forth at length along with the returns from other domains, the two justices appearing among the witnesses. References to this recognition are also made in Nos. 9, 12, 32, and 156.

⁵ No. 39, end.

⁶ No. 19; Brunner, 268. Cf. also the notification in No. 18 of the quitclaim of the fosse of Luchon.

⁷ No. 36.

Here we have something new, so far as existing sources of information permit us to judge. Instead of a general inquest to be held once for all by the king's officers to ascertain the tenure of the bishop's fiefs, the writ in question confers a continuing privilege — in any controversy that may arise between the bishop and any of his men the procedure by sworn inquest shall be applied. The remedy is designed for the benefit of the bishop, not of his tenants; no attempt is made to deprive the bishop of his court or extend the competence of the court of the duke; but the establishment of the principle that, not merely in this case or in that case, but in any case between the bishop and one of his tenants the oath of lawful neighbors shall decide, is a considerable advance in the extension of the duke's prerogative procedure to his subjects.¹

It is in the light of this document that we should read the two writs of Geoffrey which make mention of the duke's assize. As they were both witnessed at Le Mans by Pain de Clairvaux² and appear together in the cartulary, it is probable that they were issued about the same time. One of them, resembling the later *Præcipe quod reddat*, is directed to Enjuger de Bohun, this time not as one of the king's justices but as in wrongful possession of two fiefs of the bishop of Bayeux at Vierville and Montmartin. He is ordered to relinquish these to the bishop and to refrain from further encroachments; unless the fiefs are given up, Geoffrey's justice Richard de la Haye is directed to determine by recognition, in accordance with the duke's assize, the tenure of the fief in King Henry's time and to secure the bishop in the possession of the rights thus found to belong to him. The writ adds: "I likewise command you, Richard de la Haye, throughout your district³ to have the bishop's fief recognized and to see that he possesses it in peace as it shall be

terit ostendere quod tenedura illa in manus suas postea venerit iure hereditario aut tali donatione que iuste debeat stare, et hoc in curia episcopi vel in mea. *Livre Noir*, No. 16; Bigelow, 390, No. 43; Brunner, 265. It is also provided that no officer shall enter upon the bishop's lands, for judicial or other purposes, except in accordance with the practice of King Henry's time. The writ is witnessed at Rouen by the count of Meulan, so that it must be anterior to the summer of 1147 or subsequent to his return from the east in 1149 or thereabouts.

¹ In such cases, too, the writ could be issued in the duke's name without the necessity of his initiative in every case.

² An Angevin knight, who was one of Geoffrey's favorite companions (Marchegay, *Chroniques d'Anjou*, I. 234, 270) and frequently appears as a witness to his charters (e. g., Round, *Calendar*, No. 1394; MSS. Dom Housseau in the Bibliothèque Nationale, IV. Nos. 1505, 1567, 1587, 1614).

³ The proof that Geoffrey is the author of this writ is of importance in connection with this passage because of its bearing upon the date of the institution of *bailia* in Normandy. For the discussion on this point see Stapleton, *Magni Rotuli*, I. xxxiv; Delisle in the *Bibliothèque de l'École des Chartes*, X. 260; Brunner, 157.

duke's assize (*recognosci faciat secundum assisiam meam*). The same difference appears in the writs of Henry II. for Bayeux ; indeed, in a single document provision is made for the determination of one question by the verdict of ancient men, and of others in accordance with the assize.¹ The absence from the cartulary of any returns from the justices who were instructed to proceed in accordance with the assize precludes our comparing the procedure ; the analogy of the practice in regard to the bishop's demesne and in the matter of his feudal rights at Cheffreville² leads us to look for the sworn inquest of neighbors in these cases as well. The word "assize," as Littleton long ago pointed out,³ is an ambiguous term. It seems to have meant originally a judicial or legislative assembly, from which it was extended to the results of the deliberations of such an assembly, whether in the form of statute or of judgment, and was then carried over from the royal or ducal assizes which established the procedure by recognition to that form of procedure itself.⁴ In the writs in question "my assize" may refer to an ordinance of Geoffrey regulating procedure, it may denote the procedure so established, or it may conceivably mean only the prerogative procedure of the duke — his not in the sense of origination but of exclusive possession. Brunner's contention, that the phrase can refer only to an ordinance by which a particular sovereign introduced the procedure by recognition as a regular remedy throughout Normandy, involves a number of assumptions which need proof. Even if it be admitted that the assize here mentioned was a ducal ordinance, the use of the same expression by Geoffrey and Henry II. stands in the way of ascribing the exclusive credit for the act to either of these rulers, while it is still more questionable to assume that the supposed ordinance covered the whole duchy. There is nothing in either of the writs which goes beyond the sphere of the bishop's interests,⁵ and unless new evidence can be brought for-

¹ No. 27.

² Nos. 89 and 90 (Bigelow, 398, 399, Nos. 54, 55 ; Brunner, 269, ascribing them to Henry II.), the returns made by the duke's justices, Galeran de Meulan and Renaud de St. Valeri, of an inquest held in regard to the respective rights of the bishops of Bayeux and Lisieux at Cheffreville. The bull of Eugene III. (No. 156) which enumerates the possessions recovered by Philippe d'Harcourt mentions the recovery of fiefs at Ducy and Louvières by judgment of Geoffrey's court, but nothing is said of the procedure.

³ *Tenures*, c. 234.

⁴ Brunner, 299. Cf. Stubbs, *Constitutional History* (6th ed.), I. 614 ; Murray's *Dictionary*, s. v.

⁵ It is not specifically stated in No. 25 that Cramenil and Rocquancourt were fiefs of the bishop, but we know from other sources that Cramenil was, and they were evidently connected. See the inquest of Henry I. (*Mémoires des Antiquaires de Normandie*, VIII. 427 ; *Historiens de France*, XXIII. 700 ; Béziers, *Mémoires*, I. 144) ; also Béziers, I. 153 ; and Hippeau, *Dictionnaire Topographique du Calvados*, 90.

of his father and grandfather.¹ A similar writ was issued with reference to the bishop's forests,² and while no new recognition seems to have been held for the *banlieue* of Cambremer, the justices were repeatedly instructed to secure the observance of the bishop's rights there as defined in Geoffrey's time.³ The bishop's multure at Bayeux and his rights in the ducal forests of the Bessin were likewise the object of a recognition,⁴ and still other inquests related to his rights at Isigny and Neuilly⁵ and his possessions at Caen. The only matter deserving special remark among these various inquests is found in the writ touching the rights at Caen, which is addressed to the king's justice William Fitz-John, and runs as follows: "I command you to have recognized by ancient men of Caen from how many and which houses in Caen the bishops of Bayeux were wont to have rent and profits in the time of King Henry, my grandfather, and what services and customs they had from them. And you shall cause Philip, bishop of Bayeux, to possess the houses fully and justly and in peace according as the recognition shall determine. And you shall do him full right, according to my assize, in respect to the land where the bishop's barns used to stand, and full right in respect to the arable land by the water, according to my assize, and full right in respect to the tithes of woolens at Caen, according to my assize."⁶ Here we have again the puzzling words *secundum assisam meam*, and Brunner draws from them the conclusion that Henry was the creator of recogni-

¹ *Livre Noir*, No. 14; Bigelow, 389, No. 42; Brunner, 268. Issued at Falaise between 1151 and 1154.

² *Livre Noir*, No. 36. Undated, but evidently issued early in 1156, as appears from the King's itinerary (Eyton, *Court, Household, and Itinerary of King Henry II.*, 17). No. 12 evidently belongs to the same period.

³ *Livre Noir*, Nos. 9, 12, 32; Round, *Calendar*, Nos. 1442, 1445.

⁴ The writ ordering the inquest (No. 28; Round, No. 1444), witnessed by Thomas the Chancellor at Limoges, obviously belongs to October, 1156; see Eyton, 20. The writ embodying the results, No. 35, is dated at Barfleur and may well have been issued in the following April (Eyton, 24).

⁵ No. 46, subsequent to the accession of Bishop Henry in 1165.

⁶ Henricus, rex Anglie et dux Normannie et Aquitanie et comes Andegavie, Willelmo filio Johannis, salutem. Precipio tibi quod facias recognosci, per antiquos homines Cadomi, quot et quarum domorum in Cadomo episcopi Baiocenses solebant habere censum et redditus tempore Henrici regis, avi mei, et que servicia et quales consuetudines inde tunc habebant; et sicut fuerit (MS. fuerat) recognitum, ita in pace et iuste et integre eas facias habere Philippo episcopo Baiocensi. Et plenum rectum ei facias de terra ubi grangee episcopi [esse] solebantesse, secundum assisam meam; et plenum rectum ei facias de terra arabili que est iuxta aquam, secundum assisam meam; et plenum rectum ei facias de decimis (blank in MS.) et lanificiorum de Cadomo, secundum assisam meam. Et nisi feceris, Robertus de Novo Burgo faciat. Teste Toma cancellario apud Lemo-vicas. *Livre Noir*, No. 27; De la Rue, *Essais Historiques sur la Ville de Caen*, I. 375; Bigelow, 393, No. 48; Brunner, 302; Round, No. 1443 (incomplete). This document evidently belongs to October, 1156, for the same reasons as No. 28 (Eyton, 20).

prevalence of this method of proof appears, along with clear evidence of the continued use of trial by battle, in Geoffrey's charter for the town of Rouen, where in providing that no citizen shall be held to wage combat against a hired champion it is prescribed that the fact of the champion's professionalism shall be determined on the oath of ten citizens of Rouen selected by the justice.¹ Whether the fiscal inquest was commonly used to secure the rights of religious establishments upon which the Norman dukes had conferred the privileges enjoyed by their own demesne,² does not appear from the evidence that has reached us. With regard to the abbey of Savigni, trial by lawful men of the *villa* is prescribed by a writ of the Empress Matilda in the case of offenses committed against the monastery by the foresters or their servants.³ Further examples

sit et perpetuo teneatur. Testes vero huius concessionis sunt: R [icardus] cancellarius, Willelmus de Vernon, Engelg[erus] de Bouhon, Alexander de Bouhon, Jordanus Tays-son, Robertus de Novo [Burgo], Robertus de Corceio, Joisfredus de Tur[onibus], G[au]-fredus] de Cleer, P[ipinus] de Tur[onibus]. Apud Sanctum Laudum. "Cartulaire B" of the cathedral of Coutances, P. 350, No. 286. Here, as in most of the other documents in this cartulary, the initial is left blank and not indicated. In this case, however, it is supplied by a *vidimus* of Philip Augustus in the same cartulary (P. 351, No. 288) printed in Delisle, *Cartulaire Normand*, No. 162, which refers to this charter as "autenticum G. ducis Normannie, cuius mandato fuit recognitum in assisia apud Valonias." On the cartularies of Coutances cf. Delisle, *Catalogue des Actes de Philippe-Auguste*, 538. "B," the only surviving cartulary, is still in the episcopal archives at Coutances, where I was permitted to examine it through the kindness of the bishop's secretary, M. Fleury. The manuscript is almost dropping to pieces; a volume of extracts made by Le Cardonnel in 1863 and preserved in the same archives is of assistance in some places.

By following Léchaudé and overlooking the *vidimus* Mr. Round (*Calendar*, No. 960) was led to ascribe this charter to Henry II. So Bigelow, *History of Procedure*, 367, No. 9. The treatment of this document affords a good illustration of Léchaudé's carelessness. Not only does he omit the last four witnesses, but he quietly inserts Henry's name in his copies—"Henricus &" in the *Cartulaire de la Basse Normandie*, I. 129; "Henricus R." in MS. Lat. 10068, f. 88, No. 57. Mr. Round was obliged on account of the witnesses to give up the attribution to Henry as king, but ascribed it to him as duke. Brunner, p. 269, prints the essential portion of the charter and recognizes Geoffrey as its author. The lost cartulary "A", of which a partial analysis is preserved in the episcopal archives, contained a copy of the *vidimus* which interpreted G. as the initial of a duke William; the text as printed in Dupont, *Histoire du Cotentin*, I. 466, is apparently derived from this cartulary.

Algar was bishop from 1132 to 1151 (cf. Delisle, *Robert de Torigni*, I. 257, note); the charter obviously falls between Geoffrey's conquest of western Normandy in 1143 and his resignation of the dukedom in 1150. Brunner, apparently following Delisle, conjectures the date to be 1145.

¹ Charter of Geoffrey as confirmed by Henry II. soon after he obtained the duchy, Chérueil, *Histoire de Rouen*, I. 242; Round, *Calendar*, No. 109. Giry (*Établissements de Rouen*, I. 25-26) thinks Geoffrey's charter dates from his taking of the town in 1144.

² On the charters conferring these privileges, "*Mundbriefe*," see Brunner, 92-97, 238 ff.

³ M. imperatricis (*sic*), regis H. filia, F. de Tenchebrai salutem. Mando tibi et precor atque precipio quod permittas senioribus de Savigneio habere et tenere suam fabricam et alia omnia que ad eos pertinent de elemosina predecessoris mei regis H. ita libere

tions in a suit between laymen, the matter being determined by the oath of lawful men. The record of the case, which comes from the archives of Mont-Saint-Michel, relates how when the priest of Mesnil-Drey and his nephew, desiring to enter the monastery, sought to convey to the abbot the parish church which they held in alms, the bishop of Coutances answered that Raoul de la Mouche, temporal lord of the village, claimed the rights of presentation. A date was set for the appearance of the lord before the bishop in support of his claim, but in the meantime a certain Osmond, who held one-third of the village, including the land on which the church stood, brought suit against Raoul in the king's court at Gavray for two sheaves of tithes which had been collected from the remaining two-thirds of the village, and "proved by the oath of lawful men his right of presenting the priest and having the two sheaves as his ancestors had always had them."¹ More significant in relation to the history of the jury is the ninth of the constitutions of Clarendon, which provides that in a dispute between an ecclesiastic and a layman whether a piece of land be lay fee or alms the question shall be decided by the oath of twelve lawful men in the presence of the king's justice. This class of disputes would seem, so far as our present knowledge goes, to have been "the first to be submitted to a jury as a matter of common practice"² in England, and the method here employed, the assize *utrum*, appears thus as the oldest of the English assizes. Now whether this method of procedure was one of Henry's innovations or was really, as he claimed, one of the ancient customs of the English realm,³ it was probably in use in Normandy at least two years before the constitutions of Clarendon were drawn up. Proof of this is contained in a charter of Henry II. for the monastery of St Evroul confirming a decision of the king's court which is hardly later than 1162 and may well be earlier.⁴ This document recites that

¹ Osmond afterward surrendered his right to the bishop. No. 49 of the entries cited above; Robert de Torigni, ed. Delisle, II. 259; ed. Howlett, IV. 344. This case is overlooked by Böhmer, *Kirche und Staat in England und in der Normandie*, 320, note 4, who concludes from No. 41 of this collection that questions of patronage were decided in the ecclesiastical courts.

² Pollock and Maitland (2d ed.), I. 144.

³ For an account of a case in Stephen's time see *Gesta Abbatum Sancti Albani*, I. 114; and cf. Pollock and Maitland (2d ed.), I. 145, 246.

⁴ The King's charter cannot be earlier than the election of Abbot Robert in 1159 or later than Henry's departure for England at the beginning of 1163, Rotrou, bishop of Evreux, having been transferred to Rouen before the King's return. As the recognition was held on St. Cecilia's day (November 16), it cannot be later than 1162, and an earlier year is altogether likely from the fact that the repeated offenses alleged by the monks against Robert and his wife subsequent to the decision could hardly have occurred in the brief interval between November 16 and the King's arrival at Barfleur in December, 1162 (Eyton, *Itinerary*, 58). See further note below, p. 640.

to conclude that this and related provisions of the constitutions of Clarendon were necessarily direct and recent importations from Normandy, but it is certainly significant that in the case of each of the three sections of the constitutions with which the sworn inquest stands in close connection—those touching advowsons, the presentment of criminals, and the question of tenure in alms—clearer and more definite evidence has been found in Normandy than has yet appeared in England.

So far as the present study has gone, it has not furnished an answer to the question whether priority in the matter of the regular employment of the jury belongs to Normandy or to England. As Bigelow has pointed out,¹ the problem relates, not to the principle of the recognition, where the priority of Normandy is no longer disputed, but to the particular form which that principle took on the two sides of the Channel. Bigelow, however, formulates the issue too narrowly when he confines it to the question whether "the particular fixed recognitions of Glanvill were first put into form and use in Normandy." The regular application of the sworn inquest to any particular class of cases constitutes the real turning-point, whether this came about by gradual development or by a specific act of the sovereign power. So far as any such particular act establishing the recognition is concerned, the results of our investigations in Normandy have been negative: evidence has not been found sufficient to prove the promulgation of any general assize; everything is specific or local. From the general inquest at Bayeux under Henry I. to the time of the constitutions of Clarendon there is no sign of a break in the development; the twelve men who determined the rights of the monks of St. Evroul under Henry II. do not appear in a different capacity from the twelve who swore to the verdict concerning the fiefs and services of the bishop of Bayeux in 1133. At the same time, our examination of the documents accessible at Bayeux and elsewhere goes to show that under Geoffrey as well as in the early years of Henry II. the recognition was in more common use than has generally been supposed. It has a variety of applications—to the rights of the sovereign, the excesses of his foresters, the competence of champions, the demesne and fiefs of the churches, the possessions of monasteries, the question of lay fee or alms. It is employed frequently and is a well-defined and well-understood form of procedure, so that the duke's justices can speak of calling "more jurors than was their habit."² It is even prescribed for all questions of tenure between a bishop and his men. If it is

¹ *History of Procedure*, 186.

² *Liure Noir*, No. 43.

nage; and if we remember that the jury, in the narrower sense, as distinguished from the assize, "has its roots in the fertile ground of consent" and "only comes in after both parties have consented to accept its verdict,"¹ the importance of this early example of such a voluntary agreement is at once evident. In the other cases the account of the procedure is not so specific, but points to the use of the recognition, or something very like it, in connection with the bishop's jurisdiction. In one of these instances a verdict is mentioned incidentally in documents of the year 1153 relating to a prebend created by the bishop out of various elements, among them the land in Le Val de Port, in the territory of Escures, held by Alexander, son of Téold, which Bishop Philip caused to be recognized in his presence by the oaths of lawful men of the said Val as belonging to the demesne of the bishop of Bayeux.² Another record is earlier, from the time of Bishop Richard of Kent, in the form of a notice witnessed by the bishop and several others, knights as well as clerks, to the effect that four men of Hérils, who are named, have recognized in the presence of the bishop and chapter of Bayeux that the land which Gosselin, succentor of the cathedral, holds at Hérils and the church of the village were given to Gosse-lin in alms and have always been held by him under such tenure.³ It might be maintained that these four men of Hérils were party witnesses rather than recognitors, but the language of the document renders it far more likely that they were giving an independent verdict on behalf of the community. It is also possible that in these cases the men were questioned individually, as in the canonical procedure⁴ and the later French *enquêtes*, but there is no indication of such an examination, and the use of the words *recognoscere* and *recognitio* points rather to a collective verdict.⁵ In a still earlier case, likewise decided before the bishop and chapter, the un-

¹ Pollock and Maitland (2d ed.), I. 149.

² Terra quam tenuit Alexander, filius Theoldi, in Valle Portus in territorio de Escures, quam videlicet Philippus, noster episcopus, fecit recognosci esse de dominico Baiocensis episcopi per sacramenta legalium hominum predictæ Vallis. Charter of the chapter of Bayeux, May 8, 1153, *Livre Noir*, No. 149. No. 148 is a charter of the bishop to the same effect.

³ Notum sit omnibus tam presentibus quam futuris quod homines de Heriz, et nominati isti . . . recognoverunt coram Ricardo, Roberti comitis Glocestrie filio, Baiocensi episcopo, et coram eiusdem ecclesie capitulo terram quam Goscelinus, Baiocensis ecclesie succentor, tenet apud Heriz cum ecclesia eiusdem ville eidem Goscelino in elemosina datam fuisse et eundem sic semper tenuisse. Huius autem recognitionis testes sunt isti : . . . *Livre Noir*, No. 102. Richard was bishop from 1135 to 1142.

⁴ For an example of this from the year 1164 see *Livre Noir*, No. 49.

⁵ Of course *recognoscere* has other meanings, being applied to the certification of a charter, the confession of a criminal, or the admission of another's rights on the part of a claimant, but none of these senses seems to fit the passage in question, where the idea of a formal declaration of fact by a body of men seems clearly implied.

less complete development of the administrative system in Anjou, and the fact that in this period the count generally presided in person in his court may serve to explain the absence of such writs as are found in Normandy; but any mention of inquests is rare, and in such accounts as we have they are hard to distinguish from other forms of procedure, to which they sometimes seem only accessory. The cases, too, in which anything like the sworn inquest is applied are fiscal, concerning the count's forests, his rights of justice, or his feudal dues. Thus in a controversy between his foresters and the monks of St. Aubin Geoffrey calls together his foresters and *segrayers* of the district and adjures "those who had been brought up from infancy in the aforesaid forest and knew the facts well" to declare faithfully and impartially the ancient custom of the forest, neither relinquishing the count's right to the monks nor assigning the monks' right to him.¹ In another case where the matter in dispute concerned the count's right of *fodrium* on a piece of land belonging to the abbey of St. Serge, Geoffrey referred the matter to his seneschal, who ordered the local seneschal to take vavasors of the town with him upon the land and render a just judgment; but the question was finally determined by the oath of a witness produced by the monks.² Sometimes we find the count selecting men to render a verdict on the matter at issue in a way that suggests a jury of arbitration, as in a case from Fulc's reign touching the count's rights of justice on certain lands. The owner of the land finds seventy-three good men of Angers that know the truth of the matter and gives the count their names; when they have all appeared in court, Fulc selects twelve, who are ordered to swear that they will not conceal the truth for love or hatred.³ In other cases, however, it does not appear that the arbiters were necessarily neighbors or had any special knowledge of the facts, so that they would seem to have acted as representing the court rather than the country-side.⁴ On the whole, while these scanty instances from Anjou show that the verdict of neighbors was occasionally sought

¹ May 29, 1129. Bertrand de Broussillon, *Cartulaire de l'Abbaye de Saint-Aubin d'Angers*, II. 408, No. 982; *Bibliothèque de l'École des Chartes*, XXXVI. 426, No. 28. Cf. Beaumonts-Beaupré, I. 131, note, 143, note. For a similar case at Vendôme see Du Cange, *Glossarium*, under 3. *Secretarius* (ed. Favre, VII. 387).

² Bibliothèque Nationale, MS. Lat. 5446, f. 295, No. 403 (Gaignières's copies from the cartulary of St. Serge). Cf. Beaumonts-Beaupré, I. 203, note, where the date is fixed between March 31, 1150, and September 7, 1151. For a somewhat later case of declaration of custom, involving the right to levy *procuratio*, see Chevalier, *Cartulaire de l'Abbaye de Noyers* (Tours, 1872), 651, No. 615.

³ Beaumonts-Beaupré, I. 117, note G.

⁴ For instances of this sort see Marchegay, *Archives d'Anjou*, I. 409, No. 66; III. 66, No. 87 (cf. Beaumonts-Beaupré, I. 88, 117, 141); Beaumonts-Beaupré, I. 116, note B, 136, note B.

in fiscal matters and that a sort of jury of arbitration might sometimes be called by the count, there is nothing to indicate that such modes of procedure were common, clearly defined, or well understood. Compared with such rudimentary institutions as these, it is evident that the Norman recognitions of the same period represent an advanced stage in the evolution of the jury.¹

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¹ Further investigation indicates that too positive a statement has been made in regard to the latest limit of date for the charter which mentions an assize *utrum* in favor of St. Evroul, printed above on p. 634. The question turns largely upon the exact date of the translation of Rotrou from the see of Evreux to that of Rouen, variously given as 1164 and 1165 (*Gallia Christiana*, XI. 48, 577). It is clear that Hugh, archbishop of Rouen, died November 10 or 11, 1164 (Delisle, *Robert de Torigni*, I. 354, note 3), and that his successor was in office early in the following summer (*Materials for the History of Thomas Becket*, V. 194), but the chroniclers do not indicate clearly the date of Rotrou's election. It is accordingly possible that the charter was issued when Henry II. was at Rouen in or about April, 1165 (*ibid.*; Eyton, 78), and that the assize belongs to the previous November; but it is altogether likely that Rotrou was at least archbishop-elect by April and that a longer interval elapsed between the assize and the charter, so that the date assigned on p. 633 still appears probable. On the suspicious phrase "Teste me ipso" in this and other charters for St. Evroul cf. Round, *Calendar*, 224, note.

SOME FRENCH COMMUNES, IN THE LIGHT OF THEIR CHARTERS

THE communal charters have long been a source of trouble to students of the towns of medieval France. They have been regarded in different ways by successive generations, but the general decision has been that they cannot be fully understood: that however plain many details and some larger points may be, on the whole they are deformed, disordered enumerations, where the most diverse subjects are begun but not completed, and where obscurities, omissions, and sometimes contradictions abound. Since even such careful and experienced scholars as Monsieur Giry and Monsieur Luchaire have taken this view,¹ it may seem unreasonable to attempt to bring any new light to the subject, at least without new material. Nevertheless, by the aid of what others have done and with some change of method, I have ventured to try again to read these documents as they seemed to the men who gave and received them. And if I have succeeded better than those before me, it would appear not only that we shall have to modify present opinion in regard to the form and content of at least many of the charters, but also that by looking at the communes through glasses thus readjusted we may get a little clearer view of such associations, especially as to their early aims and business. The charters, far from being unordered collections of numerous unexplained matters, are, oftentimes at all events, logically arranged and intelligible solutions of a few problems in local conditions; and the communes, in many instances at least, had as their main function to aid in the maintenance of law and order — yet acted, be it added, not exactly as a public institution, as a modern town government, but rather as a private corporation, devoted less to the town as such than to the personal interests of its members. The foundation for these conclusions may be seen in a rather full analysis of the charter to the commune of Beauvais and in shorter analyses chiefly of the concessions to men of Soissons, Laon, Amiens, and Noyon.²

The common folk living at Beauvais in the eleventh and twelfth centuries doubtless had much to complain of at the hands of the

¹ See Luchaire, *Les Communes Françaises*, 135; also Giry and Réville, in Lavissee and Rambaud, *Histoire Générale*, II. 442.

² At another time I purpose to deal with some of the communes not treated in this study.

other according to their best judgment, within the town walls. And if any of them suffer harm and can not secure justice by the regular channels, the officers of the commune will take justice upon the body and goods of the offender, unless he should give compensation for his misdeeds.¹ If the offender find a place of refuge, the officers of the commune will demand satisfaction from the master of the refuge, and if he should refuse they will take it upon his goods and his men.²

Oftentimes, when it was not an inhabitant of the place, merchants who came on business to Beauvais were the sufferers; and harm to them meant, of course, more or less directly, harm to the burghers. In such cases, if the merchant brought complaint to the peers, or later to the mayor and peers — presumably because he could not get justice elsewhere — these officers “might give him aid if he could find his wrong-doer in the city.”³ Clearly, the regular seignorial officers either could not or would not maintain the peace.

Furthermore, it seemed to be a special grievance that persons who had thus injured the burghers or merchants were able to find places of refuge; and more particularly, that such persons were protected on occasion by the bishop, high lord of Beauvais. Hence, no doubt, the charter made it a special point to say in this connection that no one but the king or his dapifer might take a man back into the city if he had done some injury to a communer, unless he came to pay for his misdeed according to the judgment of the peers. Only, if the bishop happened to bring back such a one unknowingly, and it was shown to him, very well for that once; but he should never take him into the city again, save by the consent of the peers.⁴

But such acts of violence and the protection often accorded those who committed them were not the only injuries the burghers of Beauvais objected to. Their lords frequently imposed unlawful dues; especially, the bishop did this. So it must have been that the next articles of the charter provided a remedy for such ills.

¹ Art. 3: Et quicunque forifecerit homini qui hanc communiam juraverit, pares communie, si clamor ad eos inde venerit, de corpore suo vel de rebus suis justiciam facient, secundum deliberationem ipsorum, nisi forisfactum, secundum eorum deliberacionem, emendaverit. My interpretation of the clause *si clamor ad eos inde venerit* — “and cannot secure justice by the regular channels” — may be questioned; but in view of points which I hope to set forth in a study upon the justice of the commune at Beauvais, it seems to me correct.

² Art. 4.

³ Art. 5. Also, in the same article: et si malefactor ille ad aliquod ierit receptaculum, et mercator vel pares ad illum miserint, si ille mercatori satisfecerit, vel probare poterit se forisfactum non fecisse, satis fuerit communie. Si vero neutrum fecerit, vindicta fiet de eo, secundum deliberationem parium, si intra villam capi poterit.

⁴ Art. 6. This article is usually treated as not especially connected with those before it.

hanging the cloth they had for sale on higher stakes. So redress for such cases also must be provided ; with certain restrictions the commune should come to the rescue. In addition, the charter says here, if a member of the commune should make a loan to one of the city and that person should go away to some place of refuge, the master of the refuge, when he has heard complaint thereof, shall either return the lost property or drive the debtor from his premises ; if he should refuse to do either, let justice be taken upon his men, if they should be found, as the peers may see fit.¹ Furthermore, the comuners had better put their goods under some trustworthy guard within the city, because if they should be stolen from them outside the suburbs the commune will not be responsible, unless the thief should be found inside the city.² Also, the stakes for the display of cloth should be of equal height ; and then, if a townsman should make complaint, amends will be given according to the opinion of the peers.³

So far the Beauvais charter has dealt with acts of violence, unlawful demands of seigneurs, and stealing ; in short, with crimes. It is concerned next with matters of a civil order, with rules or safeguards relating to property and business. "Moreover," these rules begin, "let every member of the commune be careful in lending to an outlander, let him be secure" — that is, no doubt, he should require his debtor to furnish security in the city — "for in this matter [of loans] no one may be seized save the debtor or his bondsman."⁴ At this point three new provisions were inserted in the

¹ Art. 12. [At beginning of next note read : Art. 13 of charter of 1144.]

² *Homines equidem communie nutrimentum suum intra leugam civitatis ad participationem fideli committant custodie, quia si eis extra leugam auferatur, non respondebit eis inde communia, nisi malefactor infra civitatem fuerit inventus.* This clearly is a provision in regard to stealing. It is usual to say that it is not in the charter of 1182 and that Article 13 of the charter of 1182 is not the one of 1144 (Cf. Guizot, *History of Civilization*, Bohn ed., III. 414 ; Labande, *Histoire de Beauvais*, 90). It seems, however, that the corresponding part of the charter of Philip Augustus, that is, its Article 13, also deals with the subject of stealing. Only it omits the old injunction about a place of safeguard — there was probably no reason in the circumstances of 1182 to repeat such an injunction — and rather prescribes definitely what might be done in actual cases of stealing, just as the previous article had prescribed what might be done in cases of refusal to pay back loans. "Item," it runs, "quicumque pecuniam alicujus hominis de communia auferet et ad aliquod receptaculum perrexerit, si inde clamor ad majorem et pares venerit, de illo, si invenire poterit, et de hominibus et rebus [domini] receptaculi, justitia fiet, secundum deliberationem majoris et parium, nisi pecunia reddatur."

³ Art. 14. The corresponding provision in the charter of 1182 is longer, but beyond speaking of the mayor in connection with the peers and treating the matter more explicitly there is no change : *Ad extensionem quoque pannorum penditoria equali altitudine in terra affigi debent ; et quicumque de penditoriis vel de pannificio vel de rebus pannificio appendentibus forisfactum fecerit, si inde clamor ad majorem et pares venerit, justitia fiet, secundum deliberationem majoris et parium.*

⁴ Art. 15.

will swear that they will observe and support the decisions of the peers.”¹ Then follows the assurance of the king’s support, without which the commune could hardly hope to be effective: What shall be done through the peers in deliberation and securing justice, we concede and confirm.²

Finally, as to relations with outsiders, this charter speaks only of rights of the commune in its dealings with the king, and that in an addition at the end of the confirmation of Philip Augustus: We grant that the present charter shall for no cause be carried outside the city. And if any one should will to speak against it, no response shall ever be made to him.³ Just what is meant appears more clearly in the corresponding assurance given by King Philip to the commune of Soissons the year before: In case the king received some injury from a communer he would seek justice in the bishop’s court, through the communal officers; he would not compel those officers to plead or show the charter outside the town.⁴

Thus, if we have read this Beauvais charter as it was understood in the twelfth century, it made provision first, in Articles one to fourteen, for the maintenance of law and order; second, in the articles immediately following, for certain civil matters; third, for a number of difficulties about the constitution and internal affairs of the commune; and finally, in the last article of the confirmation by Philip Augustus in 1182, for the rights of the commune in certain relations with a power of the place, the king of France. And when changes were made at the time of Philip’s confirmation, they were all perfectly logical; here and there the language was clarified,⁵ the mayor was always spoken of in connection with the peers, the general advice given in Article 13 about security against stealing was replaced by a specific prescription as to what could be done if thefts were actually committed,⁶ and when whole new provisions were added they were inserted at natural and proper places. In general, this Beauvais muniment seems to be far more orderly and intelligible than we moderns have thought.

Moreover, an orderly arrangement like that just observed is characteristic also of the charters of other French communes. This may be seen first in the charters most closely related to that for Beauvais; like those to Soissons, Senlis, Compiègne, Sens, and Dijon, which in several places are nearly or quite the same as the Beauvais document.

¹ Charter of 1144, Art. 16; of 1182, Art. 19.

² Charter of 1144, Art. 17; of 1182, Art. 20.

³ Art. 21.

⁴ Charter of Soissons, Art. 20.

⁵ As in Arts. 14 and 19.

⁶ See n. 2, p. 645.

reservation of his own rights and those of the bishop and of churches and lords; while in the confirmation by Philip Augustus in 1181 this last clause was preceded by three new provisions.¹ But it seems doubly proper that these additions should be put in at this place, since the first of them continues the subject of the group just before it,² while the second clearly,³ and the third from at least one side⁴ relate to the general subject treated just after.

Many other charters were so much like the one to Soissons that they do not need to be more than barely mentioned here. That to Compiègne was practically the same;⁵ likewise that to Senlis, save in the omission of the provision about mortmain and in the addition at the end of stipulations for payments to the king in return for such a concession;⁶ the charter of Sens⁷ seems to have been copied from that of Soissons; the same may be said also of the grant to Crépy-en-Valois,⁸ of that to the six villages of Vailly, Condé, Chavonnes, Celles, Pargny, and Filain,⁹ of the count of Champagne's concession to Meaux,¹⁰ and also of the charter of Dijon, though this last has besides a long list of additions.¹¹ Then in turn the grants to some of these communes were copied elsewhere, that to Dijon widely.¹² Therefore the conclusion formed concerning the orderly arrangement of the Soissons charter applies also to similar documents for many other places.

By way of charters bearing less of formal resemblance to that of Beauvais or of Soissons, we may notice here those of Laon,¹³

¹ In Art. 20.

² Since the assurance that no one should seize a person in Soissons while the commune wished to do justice upon him would increase the efficiency of the commune.

³ Prescribing that if the king receives injury from a communer he will seek justice in the court of the bishop of Soissons, through the mayor and *jurati*; he will not compel these officers to plead or show the charter outside the said court.

⁴ "No one shall exact mortmain from a member of the commune." In other charters, like that for Laon, where this provision formed part of the original charter, it was classed with the civil regulations; but here, where it was added later, it does not seem out of place between two rules on relations with the powers of the place, since doubtless those who were most conspicuous for exacting mortmain were precisely those powers.

⁵ *Ordonnances des Rois de France de la III^e Race*, XI. 237.

⁶ Flammermont, *Hist. des. Inst. Mun. de Senlis*, Pièces Just., II.

⁷ *Ordonnances*, XI. 262.

⁸ *Ibid.*, XI. 305.

⁹ *Ibid.*, XI. 237.

¹⁰ Cf. Labande, *Hist. de Beauvais*, 99.

¹¹ Garnier, *Chartes de Communes en Bourgogne*, I. 4.

¹² See in Garnier's work.

¹³ Edition in Girý, *Documents*. The charter of Laon has been classed as derived largely from Soissons (Labande, *Beauvais*, 99, 101), but the four articles cited as drawn from it (7, 20, 29 and 30) are hardly of a character to be sufficient proof that they were copied from the Soissons document.

customs with the general problem of prevention of crime and maintenance of order. "Every one will be faithful to his fellow and always give him just aid and counsel," it begins, evidently with regard to what follows; for forthwith it prescribes what shall be done with the thief that has been caught within the bounds of the commune;¹ how punishment shall be meted out to him who presumes to "disturb" either persons living within the communal jurisdiction or merchants coming to the city with their wares;² and what shall be done to comuners who seize the possessions of their fellows,³ to non-comuners who seize the possessions of a comuner,⁴ to comuners and non-comuners who do bodily injury to any member of the commune,⁵ and to comuners and non-comuners who insult a member of the commune.⁶ The later customs in this part of the document all appear to be concerned with the problem of guaranteeing the effectiveness of communal action in reference to the crimes prescribed for in its earlier customs: There should be punishment for the comuner who was untrue to his oath;⁷ if the commune or its lords had suffered injury from some persons or their lords, any property of which such persons should be despoiled might be bought or sold by comuners at their pleasure;⁸ the commune was to say what should be done if one of its members took vengeance on his enemy in circumstances which prevented him from getting justice through the commune;⁹ the commune was to proceed summarily with the man who failed to answer the summons of its officers;¹⁰ aiding or communicating with enemies of the commune was forbidden;¹¹ no hired champions were to be admitted against a comuner;¹² any one who knowingly violated the constitution of the commune should have his house destroyed, or at least should be driven from his house unless he rendered satisfaction;¹³ at the same time the commune, presumably in measures to accomplish the ends just specified, should not meddle with the lands or fiefs of the lords;¹⁴ and finally, if any one accused the commune's judges of false action and could not prove his accusation, he should be at the mercy of the king and the mayor and *scabini* for all that he had.¹⁵ In a similar manner this charter lays down, in a second division, certain regulations in regard to civil relations; and in reference to cases in which administration of justice was demanded, the commune's part was in some degree defined, as was in a measure also the part of the king's

¹ Art. 2.⁴ Art. 5.⁷ Art. 12.¹⁰ Art. 15.¹³ Art. 18.² Art. 3.⁵ Arts. 6-9.⁸ Art. 13.¹¹ Art. 16.¹⁴ Art. 19.³ Art. 4.⁶ Arts. 10, 11.⁹ Art. 14.¹² Art. 17.¹⁵ Art. 20.

Thus, if the foregoing analyses are correct, it would appear that the communal charters here in question are hardly the disordered compositions such documents have usually been considered. On the contrary, they seem to have been put together as if by some plan. They begin and finish successively the several matters with which they are concerned. The distribution of their various provisions may differ considerably from one charter to another, but in each instance there is some logical general arrangement. If certain provisions, like those to assure effectiveness of the communal action in criminal matters, are sometimes with one group and sometimes with another, in any case they never seem out of place; they have a double character which makes them fit in naturally at more than one point. Even when additions are made in confirmations, they are put in in appropriate connections, either inserted with the group with which they might naturally have appeared at the beginning or put at the end of the original document. In short, these communal charters, far from being deformed and unreasoned, proceed about their business in an orderly and logical manner.

But more than this, such conclusions on the charters, especially when the course by which they have been reached is considered, give some rather clear information about the communes themselves. To begin with, we have endeavored, while analyzing the charters, to keep ourselves consistently in the environment of the communers and to look at them and their world as they did. At every step we have asked whether this and that point mentioned by the charters should not rightly be connected with certain conditions of the place and time which the men of the commune naturally wished to change. We have constantly raised the question whether these folk were not capable of seeing several particular features of their situation in such a way as to consider them of the same general character; we have gone on the hypothesis that they were able to distinguish, for example, between ways of violating the law and proposals for the reform of the communal organization. Then,

6. Si quis vulneraverit vel occiderit quemquam intra communionem, jurati facient vindictam, forisfactura erit episcopi et castellani sicut prius.

7. Si quis vult esse in comunione, non recipiatur ab aliquo solo, sed presentibus juratis, et pecunia quam dederit sub eorum testimonio accipiatur.

9. Si episcopus implacitaverit aliquem de comunione pro aliqua forisfactura, vel pro banno, non poterit convinci vel appellari per aliquem servientem ejus, nisi alium approbatorem adduxerit, qui si defuerit sacramento se purgabit.

10. Nullus, absente clamatore, nisi injuria coram scabinis vel juratis fuerit ostensa, respondere habebit.

Article 7, I take it, must be intimately connected with Article 6. Its full meaning, thus taken, may not be clear, but it seems natural that there should be some special control of the membership of an organization which was to secure the benefit arranged for in Article 6. Article 10 may easily be understood to be a continuation of Article 9.

devoted to this subject. The primary business in each of them was not exactly—as we have so often heard—to proclaim the solidarity of the commune and the mutual aid that its members were always to give each other, but to make of a certain association which had been formed for mutual aid an effective agent in securing the punishment and prevention of violations of the law. Some charters, as those to Beauvais and Amiens, began with injuries to persons or property; others, like those to Soissons and Noyon, opened with provisions concerning the violation of law by seigneurs in the way of exactions which the custom did not permit. But in either case, injuries or exactions, it was a question of punishing and preventing crimes, and through that of promoting peace and order.

Thus it has been seen what many of the communes were trying to do in the towns in which they were, what place they had with reference to their immediate surroundings. At the same time may it not also be seen more clearly than heretofore on what ground these same bodies maintained close relations with the king? It is said that Philip Augustus gave his support to such organizations for political and financial reasons; by these means he could strengthen himself in his old domain, gain something against opposing lords in annexed regions, and increase the funds of a hard-pressed treasury. All of this, doubtless, is true; indeed, private advantage was probably the immediate determining factor on both sides. Yet does it not appear, in the instances we have observed, that the broader common ground on which king and communes met was the promotion of peace? Maintenance of the law and advancement of justice certainly formed one of the paths of royal progress, possibly we should say its chief path; and whether work of this order was looked upon in a private or a public light, it was service which the king was more and more able to give and which many groups of people were glad to have and were more and more willing to make some return for. So it was not unnatural that at Beauvais, Soissons, Laon, Amiens, and numerous other places where justice was evidently not to be had by the regular channels the king should give his support to associations which were aiming especially to keep the peace.

Finally, and in a more general field, thus to know more definitely the rôle of a considerable number of the French communes may add at least another candle to those flickering lights by which we try to make out the real features of medieval democracies—to read, as it were, their thoughts and inner purposes. They were hardly setting up organizations which we of the Anglo-Saxon world should call a town government. It must be remembered that they were all born in the feudal régime, and that they always breathed its life;

they pursued its ends, they acted under its necessities, and they used its means. Thus they were struggling, like all about them, to further various private interests; they made all possible bargains and arrangements—with bishops, chapters, lords, kings, with whoever was at hand—to conserve their persons, their possessions, and their business; and to do all these things more successfully they had formed, here and there, private mutual-benefit associations. In some places these associations wished to do one thing, in other places something else. In the towns we have studied here they wished especially to help keep the peace and maintain the law; and in doing so they were doubtless acting less for the town as such than for the private interests of a greater or less number of their members.

EARLE WILBUR DOW.

THE YOUTH OF MIRABEAU

THE last week in February, 1764, young Mirabeau, a stout, pock-marked youth of fifteen, arrived at Versailles, where he appeared incognito, probably under the name M. de Pierre-Buffière.¹ M. de Sigras, the friend of the marquis who had agreed to take charge of the boy, was a "brave soldier, a good Latinist, a captain of cavalry, and a member of the *Académie des inscriptions et belles-lettres*." Although married, Sigras had no children. His wife being first lady in waiting to the dauphine, the mother of Louis XVI., he resided with her for a portion of the year at Versailles.²

Of the experiment tried by the Sigras family we know little more than that it promised much, but failed signally. In a letter to his brother the marquis described the manner in which he had worked on their feelings and induced them to take his son :³ "As to my eldest, who has given me, and still gives me, more trouble than all the rest of the family, do you know what action I have taken? He has now been for three days incognito at Versailles in the hands of the big Sigras, who has taken charge of him. You know this worthy man, his appearance and manner. He is to have with him

¹ Correspondance Générale, IV. 384. The marquis to the bailli, Paris, February 28, 1764. (It is by this title that I refer to the manuscript correspondence between the marquis and his brother. It is contained in twelve large volumes and is the property of M. Lucas de Montigny of Aix en Provence, through whose kindness I was allowed to consult it. This correspondence, only portions of which have been published, is the chief source of information concerning the early life of Mirabeau.) "Il est actuellement depuis trois jours incognito à Versailles." The marquis does not state in this letter what name had been given to his son. In a letter of June 2, 1764, the boy is referred to as M. de Pierre-Buffière. "C'était tout simplement," writes M. de Loménie (*Les Mirabeau*, III. 23), "le nom d'une terre importante, près de Limoges, devant revenir au marquis du chef de sa femme, et qui lui permettait de prendre le titre de premier baron du Limousin. Nous ne jurions pas que le marquis n'était mis quelque vanité à faire porter par son fils le nom de cette terre." This hypothesis is clearly untenable. Mirabeau left home in disgrace. Referring to his departure, the marquis wrote his son in 1770, "Je vous ai dit en sortant de chez moi que vous ne reverrez la maison paternelle que je ne vous eusse changé" (Correspondance Générale, VI. The marquis to the bailli, Paris, June 1, 1770). In May, 1770, when Mirabeau was with his uncle in Provence, the marquis wrote to his brother : "Si tu continues et persistes à en être content, je te prepare un cadeau à lui faire, c'est d'obtenir qu'il prenne notre nom" (Correspondance Générale, VI. The marquis to the bailli, May 29, 1770).

² Loménie, *Les Mirabeau*, III. 22.

³ Correspondance Générale, IV. 384. The marquis to the bailli, Paris, February 28, 1764.

The failure of the residence with Sigras to serve as "a transition from the paternal house to the liberty of the army," for which the marquis intended his son, induced him to send the boy to a military school not unlike the one in which he had received a large portion of his own education. "I wished," he said, "for my own satisfaction, to give him the finishing touch by means of a public education and I sent him to the Abbé Choquard, who keeps one of the celebrated boarding-schools of the day, as they would not take him in the colleges in spite of all compliments. This man is severe and forces the punishment when necessary. This last trial made and completed, if there is no improvement, as I do not expect there will be, I will expatriate him bag and baggage." In the same letter in which he threatened his eldest son with such cruel punishment he informed the bailli that they might regard Boniface "as pretty nearly the sole resource of our house."¹ Two weeks later he referred to his "two boys, one of whom, according to appearance, ought not to be counted. Everything turns upon the head of Boniface, who is still an embryo."²

The school to which Mirabeau had been sent was in Paris, Barrière St. Dominique. It was not a reform school, nor had he, apparently, been sent there as a punishment for any particular misdemeanor.³ The father did not want the son at home and had given such an account of him that the regular boarding-schools would not receive him. At the Abbé Choquard's he would be severely disciplined, but at the same time thoroughly prepared for entrance into the service.

Among Mirabeau's fellow-pensioners were two young Englishmen, Gilbert and Hugh Elliot. The information concerning the character of the school and Mirabeau's life at this time is drawn chiefly from their letters.⁴ "No complaints of harsh treatment have, however, been recorded in the letters of the Elliots. In a style of which the idiom soon became more French than English, they describe the little events of their school life; their studies in ancient

¹ *Ibid.*, IV. 465. The marquis to the bailli, Bignon, June 2, 1764.

² *Ibid.*, IV. 471. The marquis to the bailli, Bignon, June 15, 1764.

³ "Une satire sanglante, qu'il avait composée contre une amie de son père, l'avait fait exiler de la maison paternelle, et reléguer dans la pension de l'abbé Choquard, où je le connus." This statement appeared in an article published by the *Journal de Paris* immediately after Mirabeau's death (April 22, 1791). The writer claimed to have been a teacher of mathematics at the pension of Abbé Choquard while Mirabeau was a pupil in the institution. There is nothing in the correspondence between the two brothers that gives any support to the statement quoted above. It is not probable, however, that the marquis would mention a matter of that kind to the bailli.

⁴ The Countess of Minto, *A Memoir of the Right Honorable Hugh Elliot* (Edinburgh, 1868).

The Elliot boys, especially Gilbert, became very much attached to Mirabeau. The friendship did not end with their school-days. Twenty years later, when Mirabeau was the guest of Sir Gilbert in England, the latter, writing to his brother, described their old comrade as follows: "Mirabeau, though considerably ripened in abilities . . . is as overbearing in his conversation, as awkward in his graces, as ugly and misshapen in face and person, and withal as perfectly sufficient, as we remember him twenty years ago at school. I loved him then, however, and so did you, though, as he confesses, you sometimes quarrelled with him, being always somewhat less patient in admitting extreme pretensions than I."¹ This retrospective portrait of young Mirabeau, drawn by a friend, would seem to prove that he possessed at this time in a well-developed form all the traits that composed his fully developed character. He was overbearing in his conversation, awkward in his graces, ugly and misshapen in face and person, and perfectly sufficient, and yet men loved him. This power to draw men to him, so early displayed, he never lost; he exercised it equally upon his playmates at the Abbé Choquard's and upon the men who stood about his death-bed. During their residence in Paris the Elliots were in the charge of a tutor, Mr. Liston, afterwards Sir Robert Liston and English ambassador to Turkey; and "Mr. Hume, to whom they had been specially commended, showed them great kindness, and often visited them and superintended their studies." Mirabeau was acquainted with Liston, and it is probable that he also came into contact with Hume.²

Shortly after Mirabeau's death the *Journal de Paris* contained a communication from one who professed to have been an instructor in the school of the Abbé Choquard.³ "M. de Mirabeau," wrote this correspondent, "was only fourteen years old when I found him in the military school of the Abbé Choquard, Barrière St. Dominique, where I was called to teach mathematics. I soon distinguished him from his fellow-pupils on account of the nature of his questions, and the promptness with which he found the solution for a problem. Outside of my class he did nothing; all that was studied in the pension and did not appeal to his imagination appeared insipid to him; he wrote a miserable hand, which he never eulogy and some of his verses were printed at this time. "Alors on imprima quelques bagatelles du comte de Mirabeau," and in a foot-note he adds, "Un éloge du grand Condé, composé pour une fête publique; quelques pièces de vers," etc. *Essai sur le Despotisme*, xix. (Paris, 1792.)

¹ Sir Gilbert Elliot, *Life and Letters* (3 vols., London, 1874), I. 87, note 1.

² Writing to Hugh Elliot in 1783, Mirabeau inquired about Liston, whom he called "le bon Liston," and added "s'il vit, il ne vous est sûrement pas étranger." Minto, 430. The reference to Hume is Minto, 6.

³ *Journal de Paris*, I. No. 112. April 22, 1791.

that a great change had taken place in his eldest son." Always skeptical, the marquis added by way of comment, "I am watching and keep my hands off."¹ The letters of the two years that follow contain no reference to Mirabeau. On March 31, 1767, his father announced that he was about to send him to the army.²

The letters quoted by M. de Montigny — the originals of which I have never seen — introduce deeper shadows into the picture and place the marquis in a more unfavorable light. These quotations are from letters addressed to the bailli and to the Comte du Saillant, the son-in-law of the marquis. Are they genuine? They may be as a whole, but how much of each quotation is an exact reproduction of the original it is impossible to say without a comparison with the originals. It is seldom safe to quote the language of the letters published by M. de Montigny; it may be permissible to give the substance of them.³ In August, 1764, the marquis learned that the boy had been receiving money from his mother.⁴ It was, perhaps, to prevent all such interference with the education of his son that the marquis gave orders that he should not be permitted to correspond with any person outside of the school.⁵ At the close of the first year, for reasons of which we know nothing, Mirabeau was to have been removed from the school and submitted to more severe discipline elsewhere.⁶ His comrades were so attached to him and so affected by the news of the misfortune that was about to befall him that they sent a deputation to the marquis bearing a petition signed by all of them asking for a suspension of the sentence. The marquis granted three months.

The reports from that time on must have been favorable, for the next quotation is from a letter written to the Comte du Saillant in February, 1766, in which the marquis announced that he hoped to save his eldest son, although the boy had a long road to travel on the way to reform.⁷ Before the year had closed, the hopeful mood had passed and the marquis announced his intention of leaving his son with Choquard until he could send him to the north to remove him from the places where he might be a burden after the marquis's death.⁸

¹ *Ibid.*, V. 10. The marquis to the bailli, Paris, January 5, 1765.

² *Ibid.*, V. 270. The marquis to the bailli, Paris, March 31, 1767.

³ I never quote the letters contained in the work of M. de Montigny when I have access to the originals or reliable copies of the originals.

⁴ Montigny, *Mémoires de Mirabeau*, I. 279. The marquis to the Comte du Saillant, August 30, 1764.

⁵ *Ibid.*, I. 279. The marquis to the bailli, October 31, 1764.

⁶ *Ibid.*, I. 280. The marquis to the bailli, August 7, 1782.

⁷ *Ibid.*

⁸ *Ibid.*, I. 281. The marquis to the Comte du Saillant, December 13, 1766.

It is not necessary to assume that the marquis was actuated by harsh motives in removing his son from the Choquard pension. Mirabeau was eighteen years of age and, as his father intended him for the army, it was high time for him to begin the serious work of his life. "As to my boys," he wrote to the bailli,¹ announcing his intended action, "the eldest is still a cross; the world is full of trouble. I am going to send him as a volunteer (new style) to the roughest of military schools. A young man, but of the antique type, has founded it in his regiment. He pretends that the exclusive air of honor, united to a hard and cold régime, can restore lungs, even those that are naturally in very bad shape. I asked of him as mentor an officer who, without argumentation or talkativeness, has by instinct a disgust and natural disdain for everything related to cowardice. He said that his man was such a one. I have, in fact, seen two fathers thank him for having created a son for them. I ought to neglect nothing. I am going, then, to follow this road."

"When my son entered the service," he wrote later,² "you may infer from what you know of the past that I neglected nothing that he might be in good hands, were it for no other reason than that I might have nothing to reproach myself with. The Marquis de Lambert, to whom I had confided him, and who was pointed out to me on all sides as keeping the best and strictest military school, asked of me, at least for a time, a trusty domestic and one authorized to denounce him, above all one that he [Mirabeau] recognized as a mentor, not wishing to accustom him to think that espionage, even for a good motive, was a usual method. I proposed Grévin, whom he knew, and with whom he was delighted. I had difficulty in persuading him [Grévin] to consent to it for a time, but he is there."

The Marquis de Lambert, to whose care Mirabeau had been entrusted, was colonel of the regiment of Berri-Cavalerie, belonging to the light horse of the French army, at that time stationed at Saintes. He was the grandson of the famous Madame Lambert, and related to the Vassans. He did not, however, take the part of the Marquise de Mirabeau in her affairs with her husband, being a friend of Madame de Rochfort and a devoted disciple of the *Ami des hommes*. Although holding the rank of brigadier, the Marquis de Lambert was at this time but twenty-six years of age.³

On the nineteenth of July, 1767, Mirabeau joined his regiment. Saintes, the garrison town, charmingly situated upon the banks of

¹ *Ibid.*, V. 270. The marquis to the bailli, Paris, March 21, 1767.

² *Ibid.*, V. 359. The marquis to the bailli, Paris, August 7, 1767.

³ Loménie, III. 29.

his education in every way and by every method, preferring to delay his entry into the service rather than have him ruin himself at the outset ; when his age finally forced my hand I asked of the best officers of my acquaintance which of the military schools was the strictest and most exact. All agreed in naming the regiment of Berri commanded by the Marquis de Lambert. I put him in this regiment as a volunteer. The young man submitted. He has now made himself esteemed and has never lacked wit nor talent. I waited until his colonel should say to me that it was time to ask a commission for him ; he has sent me the *mémoire* that I have the honor to transmit to you ; my son was nineteen years old the tenth of March. I was not aware that a copy of his certificate of baptism would be necessary ; I have sent to his birthplace for it and I promise you to send it to the bureau in a short time.”¹

The inclosed *mémoire* from the colonel was as follows : “ The Marquis de Lambert requests M. le duc de Choiseul to be kind enough to procure for the Comte de Mirabeau a commission as *sous-lieutenant réformé à la suite du régiment de Berry*, where he has served for a year in the position of a volunteer. His birth is sufficiently well known so that it would be useless to add the ordinary certificates. The extract from the baptismal record is subjoined.”² M. Brette calls attention to “ the cleverness with which De Lambert dwells upon the birth in order to avoid speaking of the conduct and the aptitudes of Mirabeau. These words, *commission de sous-lieutenant réformé à la suite*, testify to an attempt to reduce as much as possible his military position and consequently his responsibilities.”³ It may be so, but in the face of the father’s letter and of the fact that at this time the colonel was evidently satisfied with Mirabeau, the inferences of M. Brette seem hardly to be justified by the evidence. On the same day that Choiseul received the letter of the marquis Mirabeau was made *sous-lieutenant sans appointements* in the cavalry regiment of Berri.⁴

Some three months later, on a July day, the marquis was startled by the news that the young lieutenant, having lost eighty louis at play, had deserted and that his whereabouts was unknown. The marquis asserted later in a letter to the bailli that the news did not disturb him. “ On the contrary,” he wrote, “ I found myself

¹ The documents relating to Mirabeau’s commission in the Berri cavalry were discovered by M. Brette and published in 1895 in the *Révolution Française*, XXIX. 255–264, under the title “ Les Services Militaires de Mirabeau.” The originals are in the Archives administratives de la guerre, “ au nom de Gabrielle-Honoré de Mirabeau, sans cote spéciale.”

² *Ibid.*, 257.

³ *Ibid.*, 258.

⁴ *Ibid.*, 259.

his post when on guard, to save himself from the danger of committing some crime that he might afterwards regret? It was a love-affair. The story is told by M. de Montigny, but without the citation of a particle of evidence:¹ "The young and beautiful daughter of a constable of Saintes had pleased the Marquis de Lambert; she had also pleased Mirabeau; according to usage the second lieutenant had supplanted the colonel; the latter, already harsh by nature, already indisposed, authorized, stimulated by the father and by Grévin, insulted his happy rival, had him insulted, or allowed him to be insulted by a coarse caricature, which set the whole regiment laughing at Mirabeau's expense; then Lambert called the authority of his rank to the aid of his irritated *amour-propre*; it was then that Gabriel, punished beyond measure, and unable to deceive himself concerning the cause had, *while on guard*, abandoned his post and fled to Paris."

This account rests, as far as I have been able to discover, simply upon oral tradition. Certainly M. de Montigny would have cited his documents, had any existed. "In the absence of proof," observes M. de Loménie, "it seems to us difficult to admit the exactitude of this grief. It is not easily reconciled with the general esteem of which the character of M. de Lambert was the object. We shall see, elsewhere, on different occasions, that inventions of every kind cost little to Mirabeau's unscrupulous conscience."² It is not safe, as a rule, to infer particular acts from a man's general character. The inferences may or may not be true. We know very little about the character of the Marquis de Lambert, and what we do know does not render the story impossible. The evidence upon which the story rests is, apparently, worth little. Mirabeau makes no mention of his colonel as a rival, nor does he make any specific charges against him. In a letter written to his mother the following year he referred to Lambert as "a colonel unworthy to command officers who are better than himself." He added: Lambert "has employed all possible methods to destroy me. He has not succeeded." The historian must pass over the charge against the Marquis de Lambert, not because it is difficult to reconcile with a character concerning which little is known, but because the proof is lacking.

There was, however, a love-affair, even if the colonel was not one of the lovers. The father had believed that the gambling debt was the cause of all the trouble. He later wrote to the bailli that investigation showed that "it was a promise of marriage and all the

¹ *Mémoire de Mirabeau*, I. 288, 289.

² Loménie, III. 31.

some hope to him. As for myself, I remarked to him (Lambert) that it was the displacement of the hammer of this fool from beneath the chime of the desperate prisoner and the passionate lover ; that we could draw no other advantage from it than to transfer him without a scandal injurious to his family."¹

Was it this intercepted letter that caused Mirabeau, fearing the action of his colonel and his father, to desert ? The explanation is not an improbable one. It should be noted, however, that the real situation became known only after Mirabeau's return to Saintes, and that Lambert recovered the letters in the possession of the young lady only after the confession. The effect upon Mirabeau of Lambert's chivalrous action in burning the intercepted letter should not be overlooked. Mirabeau always claimed that his father had shown him little affection ; that he had tried to discipline him by rigorous measures when he might have led him by kindly treatment.² Undoubtedly the father was unsympathetic and unduly severe ; undoubtedly the boy was in need of sympathy and capable of attaching himself to those who loved him, but his intentions were always better than his deeds and he was always ready to condone his own faults.

The love-affair did not end here. "In 1770 Mirabeau was still in correspondence with the object of this first passion, through the medium of his sister, Madame de Cabris."³

The bailli was much incensed at the action of his nephew. "Your letter of the twenty-fourth of August, dear brother," he wrote, "filled me with consternation, informing me, as it did, of the new pranks of M. de Pierre-Buffière, and fortunately the little hint that you dropped before prepared me. But after having ruminated three days since the receipt of your letter upon the unique course to take, I see only one way. It is for you to decide, after a very detailed inspection of the case, whether you ought to follow this course, that is to say, if the excesses of this miserable being are such that he should be forever excluded from society, and in that case Holland is the best of all. You are certain of never seeing reappear on the horizon a wretched being, born to cause chagrin to his parents and shame to his race. It is, I say, for you, after the examination of his acts and deeds, to judge if the heart is rotten : if it is, there is no resource." Toward the close of the same letter he added, "I repeat to you, dear brother, this wretched being, if his heart is rot-

¹ *Mémoires de Mirabeau*, I. 299. The marquis to the Comte du Saillant, October 1, 1768.

² *Lettres Originales de Mirabeau*, I. 295.

³ Loménie, III. 34.

Reasoning from the fact that the *lettre de cachet* transferring Mirabeau to the Île de Ré was issued by the minister of war, M. de Choiseul, and not by M. de Saint-Florentin, the minister who issued letters for matters of family discipline, M. de Loménie infers that his imprisonment was a military punishment for his desertion.¹ It is possible, but it should be noticed that Choiseul would naturally deal with the matter because Mirabeau was an officer of the army, and also that the Marquis de Mirabeau evidently conducted the negotiations with the minister.

"I assume that he is caged now," wrote the marquis to his brother, September 21, 1768, "in the chateau of the Île de Ré and well recommended to the Bailli d'Aulan. This determination was necessary, the Marquis de Lambert not being able to keep him."² The colonel was eager to be rid of the troublesome lieutenant. "I have been occupied," wrote the marquis, "in appeasing the impatience of M. de Lambert, who, without taking distance into consideration, had hardly written to me before he was seriously disturbed at not seeing all that he asked of me arrive, nor any plan of agreement. As I had asked of M. de Choiseul that there should be as little scandal as possible, he proposed to me to send an order to M. de Pierre-Buffière to carry a letter to the Marechal de Senneterre at Rochelle, who at once would have him arrested and conducted to the Île de Ré."³ It was in this way, probably, that the first *lettre de cachet* was executed against Mirabeau, and he found himself a military prisoner in the citadel at St. Martin on the Île de Ré.

The Île de Ré, the scene of Mirabeau's first imprisonment, is a picturesque island off the harbor of Rochelle, some three miles from the mainland. Its length is some eighteen miles and its breadth three. The population to-day is nearly fifteen thousand, distributed among several towns. The largest is Saint-Martin de Ré with two thousand inhabitants. At the entrance to the harbor of Saint-Martin rise the outworks of the fortress to which Mirabeau was consigned. Although now used as a depot from which convicts are shipped to New Caledonia, the citadel has changed but little since the days when it was occupied by its most distinguished prisoner. The diminutive harbor with its fishing craft; the town with its quaint, antique streets shut in by stone houses whose white

¹ Loménie, III. 33.

² Correspondance Générale, V. 476. The marquis to the bailli, Fleury, September 21, 1768.

³ *Mémoires de Mirabeau*, I. 294. The marquis to the bailli, September 16, 1768. No letter of this date appears in the Correspondance Générale. There is a letter of the date of September 21, but it does not contain the quotations given by Montigny.

to promenade in the citadel —, my friends, and everybody.”¹ He was not only permitted to promenade in the citadel, but even “to go to the city (Saint-Martin or Rochelle) to dine in style.”² The bailli was not the only one that Mirabeau bewitched. A certain Chevalier Bréchant received the letters from his mother, and Mademoiselle de Malmont, the sister of the lieutenant of the citadel, performed a like service for him.³

Mirabeau remained seven months on the Île de Ré. At the end of six months the marquis realized that it would be difficult to prolong the imprisonment. “The fact is,” he wrote to the bailli on the fifteenth of February, 1769, “that it is necessary to end this affair; that I do not know how to keep his eldest brother in cage later than the spring; that he asks to go to Corsica and interests the Bailli d’Aulan and my friends and Grévin in this request. I know well that, once free, he will end in having himself locked up for good before three months have passed; but the theater of his follies is his passage through Provence.”⁴ On the twenty-seventh of the same month the marquis had decided to grant his son’s request and to allow him to join the expedition against Corsica. “What you tell me, however,” ran the letter, “causes me to decide upon my course. I cannot keep M. de Pierre-Buffière any longer in cage and I cannot miss the occasion offered by Corsica; so be assured that next month he will pass through Provence, but so carefully guarded and so rapidly that you will not even hear of it.”⁵

A few days later the news of the decision had reached Mirabeau. On the fifth of March, 1769, he wrote to his mother: “My affairs have taken a more favorable turn; the Bailli d’Aulan, governor of the Île de Ré, is soliciting the revocation of my *lettre de cachet* and it appears to be decided that I shall go to Corsica in a short time.”⁶ The Bailli d’Aulan interested himself in securing the release of his prisoner, but the important party in the transaction was the father. This is demonstrated by an official document bearing the date of March 13, 1769. “The twentieth of April, 1768,” states the record, “the son of M. le Marquis de Mirabeau obtained the rank of

¹ *Mémoires de Mirabeau*, I. 300. The marquis to the bailli. M. de Montigny refers to a letter of February 15, 1769, for this quotation; but this letter, found in the collection that I have used, contains no such matter. The manner in which M. de Montigny manipulates his quotations and confuses dates in his foot-notes is inconceivable by any one that has not attempted to control his work by a comparison with the material that he used.

² Loménie, III. 35, quoted from a letter of the marquis of January 1, 1769.

³ Mouttet, *Mirabeau en Provence*, 24-26.

⁴ Correspondance Générale, VI. 65, 66. The marquis to the bailli, Paris, February 15, 1769.

⁵ *Ibid.*, VI. 72. The marquis to the bailli, Paris, February 27, 1769.

⁶ Mouttet, *Mirabeau en Provence*, 24-26.

ceive him,¹ but the marquis assured his brother that he had given orders to the best of his ability that his son should pass incognito, "and surely," he added, "he will not go to see you at Mirabeau."²

Events seem to have justified the preventive measures taken by the marquis. Drawing his information from Grévin, who accompanied his son, he described the passage of the young man from Rochelle to Toulon in most vigorous language: "This miserable Pierre-Buffière left the Île de Ré a hundred times worse than he entered it, not on account of his comrades, but because of the lapse of his own folly. He fought at Rochelle, where he remained only two hours. I have had news from poor Grévin from Saint-Jean-d'Angely and from Puy. He says that he goes cursing, striking, wounding, and vomiting a rascality that has no equal."³ M. de Montigny, citing a letter of Mirabeau to his brother-in-law, M. du Saillant, asserts that in the duel fought at Rochelle Mirabeau was not the aggressor. An officer, dismissed in disgrace from his regiment, with whom Mirabeau refused to associate, was the real cause of the trouble.⁴

The soul of the marquis was disturbed more, perhaps, by the debts that his son contracted than by his escapades. "Without paying for his pranks and a multitude of notes," he wrote, "he has devoured more than ten thousand livres in the last eight months, and the most of that time he has been in prison. . . . The villainous notes of that man terribly wound my soul, although well prepared and accustomed to vomit him up. . . . He has, in addition to his other good qualities, that of borrowing from all hands: sergeants, soldiers, all are the same to him."⁵

"After a painful journey, and even a perilous one in the mountains of Auvergne and Vivarais, which he was obliged to cross in snow twelve feet deep," Mirabeau finally reached Toulon and embarked on the eighteenth of April for Corsica.⁶ To be rid, for some time at least, "of an odious generation that keeps me without ceasing with a sword above my head and coals under my feet,"⁷ was a

¹ *Ibid.*, VI. 83. The bailli to the marquis, Mirabeau, March 7, 1769.

² *Ibid.*, VI. 83. The marquis to the bailli, Paris, March 20, 1769.

³ *Ibid.*, VI. 100. The marquis to the bailli, Paris, April 10, 1769.

⁴ *Mémoires de Mirabeau*, I. 302. M. de Pierre-Buffière to the Comte du Saillant, March 20, 1769.

⁵ Correspondance Générale, VI. 100. The marquis to the bailli, Paris, April 10, 1769.

⁶ *Ibid.* For the passage through the mountains see Montigny, *Mémoires de Mirabeau*, I. 303, who cites a letter of the marquis to the bailli of April 22, 1769. No letter of that date is to be found in the collected correspondence.

⁷ Correspondance Générale, VI. 100. The marquis to the bailli, Paris, April 10, 1769.

views 'had, then, been turned in this direction, and although my mind, famished for every kind of knowledge, was interested in all sorts of things,¹ five years of my life were devoted almost exclusively to military studies; there is not a book on war in any language living or dead that I have not read; I can show extracts from three hundred military writers, extracts studied, compared, and annotated, and memoirs that I wrote upon all parts of the profession from the greatest objects of war to the details of engineering, of artillery, and even of the commissariat."²

In the period between the close of the campaign and his return to France Mirabeau was engaged in making a study of the island, its inhabitants, manners and customs, and history. "He perceived everywhere the traces of the devastations of the Genoese, the vestiges of their crimes; and by this mark of despotism he recognized his enemy. His heart, palpitating with indignation, could not contain itself; his imagination, filled with ideas, flowed over. He wrote; he traced a rapid sketch of the Corsicans and of the crimes of the Genoese. This work was taken from him by his father; it was very incorrect, without doubt, but full of animation, of truth, of ideas, and of facts carefully observed in a country of which no correct notion had been given, because mercenary writers or fanatic enthusiasts had alone undertaken to speak of it."³ The history dealt chiefly with the forty years previous to the French occupation of the island. He had also prepared a description of the island, which he had studied "foot by foot," "with all possible political, economic, and historical details."⁴ The history, he claimed, was prepared at the instigation of Buttafuoco.⁵ "He took possession of the Corsicans, he had all their papers."⁶ Mirabeau declared while at Vincennes that the "deputies of the three estates of Corsica" besought his father to allow the work to be printed, but the marquis refused.⁷ This statement should be confronted by the charge made by the marquis that his son "seduced a man in order to get possession of

¹ Mirabeau had been an omnivorous reader from his childhood up. He was, according to M. de Montigny, "dès l'âge de quatre ans . . . avide de lectures. Il s'emparait de tous les papiers qui lui tombaient sous la main." *Mémoires de Mirabeau*, I. 243. Mirabeau himself refers to his fondness for books while at school in Paris: "Il empruntait toutes sortes de livres, les lisait sans méthode et sans autre objet que celui d'assouvir son insatiable soif de savoir." *Essai sur le Despotisme*, xix.

² *Lettres Originales de Mirabeau*, III. 21.

³ *Essai sur le Despotisme*, xxi.; *Lettres Originales de Mirabeau*, I. 190.

⁴ *Mémoires de Mirabeau*, I. 317.

⁵ *Correspondance Générale*, VI. 330. The bailli to the marquis, Aix, May 21, 1770; *Ibid.*, VI. 375-380. The bailli to the marquis, Aix, August 23, 1770.

⁶ *Mémoires de Mirabeau*, I. 316. The marquis to the Comte du Saillant, May 14, 1770.

⁷ *Lettres Originales de Mirabeau*, III. 173.

Mirabeau was absent from France a little more than a year. During this time he is seldom mentioned in the correspondence between the brothers. The marquis was arranging a marriage for his daughter Louise at the time of Mirabeau's departure, and hoped to carry the thing to a successful conclusion, "provided," he wrote to the bailli, "this unhappy fool in Corsica, who devours me, will let me get my breath."¹ He sometimes regretted the loss of his first-born son, "If providence," he exclaimed, "had intended to grant me a period of repose at a reasonable age, it would have left me the son that it gave me twenty-five years ago. The one (Boniface) who is now our only hope, is only fourteen and more of a child than one is at three."²

The bailli had held numerous conversations with Grévin about his nephew and had reached conclusions that were not so pessimistic as those of his brother. "From what Grévin has said to me in several conversations about M. de Pierre-Buffière," he wrote to the marquis, "I do not see that there is anything desperate yet about his case. Perhaps age and reason will straighten it all out. I do not hope that he will ever be a man worthy of you on the side of the heart, but an ordinary man. It is bad enough to place at that notch our denomination that has never been there, but what is to be done about it?"³ The marquis replied by criticizing "Grévin and all the superiors of this miserable fellow" for letting him have his own way.⁴ He never doubted that the failure of his training was due to the inborn badness of his son or the incapacity of his teachers and superiors. As hopeless as the task seemed to be, he must do his duty that he might be without reproach. "As long as I shall live," he wrote in June, 1769, "it will be my duty to follow and to assure the lot of my children and of our house. If I can save this unhappy eldest, I have told you that I would part with the one who is after my own heart and I would give him to you. At fifty, you will have begun the profession of father of a family. . . . But, finally, you will see Boniface⁵ this autumn; everything is as yet in the shell, he is nothing. It is necessary to finish his education. We must wait for the other, who would get away from the devil and who has a dozen of them in his body, must keep an eye on him and restrain

¹ Correspondance Générale, VI. 115. The marquis to the bailli, Paris, April 28, 1769.

² *Ibid.*, VI. 130. The marquis to the bailli, Paris, May 18, 1769.

³ *Ibid.*, VI. The bailli to the marquis, Mirabeau, June 2, 1769.

⁴ *Ibid.*, VI. 148. The marquis to the bailli, Paris, June 14, 1769.

⁵ Almost without exception he refers to the younger son as Boniface; the older boy is never called by his name, but is always referred to as "the eldest," "that miserable being," "that unhappy fool," etc.

ST. EUSTATIUS IN THE AMERICAN REVOLUTION¹

SOME islands are, because of their geographical situation, destined by nature to be permanently the home of extensive commerce. Such are Manhattan, Hong Kong, and Singapore. Others are so placed that political circumstances may for a brief period, or during the continuance of a particular war, elevate them into sudden commercial greatness and give them a short but picturesque career of prosperity, while ill winds blow on harbors usually more favored. A familiar example is that of Nassau during the American Civil War. But seldom has an island port had a more meteoric career, or shown a more striking contrast between insignificance in time of peace and resounding prosperity in war-time, than that presented by the little volcanic island of St. Eustatius. Its tale is worth telling, partly on this account, partly on account of the close association of its fortunes with those of the American Revolutionary War, and the important part which it played in enabling our forefathers to sustain that difficult and unequal struggle.

St. Eustatius is a small rocky island near the northeast corner of the West Indian chain. It is neither large nor fertile. Its area is less than seven square miles; and at the time of the Revolution it did not produce more than six hundred barrels of sugar a year.² It had but one landing-place, and its fortifications had never been important. But its relative position was such as to give it, in the hands of the Dutch, exceptional advantages. The ancient British colony of St. Christopher lay but some eight miles to the southeast. Northward, a few miles farther away, lay the French island of St. Bartholomew. St. Croix, a Danish island to the westward, was but little more remote; and beyond, at no great distance, lay St. Thomas and the Spanish colony of Porto Rico, while beyond St. Christopher, to the southeastward, lay intermingled the rich islands belonging to England and to France — Antigua, Guadeloupe, Dominica, Martinique, Barbados, St. Lucia, St. Vincent, Grenada, Tobago. Under the old system of colonial management, typified by the Navigation Acts, each country persisted in the endeavor to monopolize to itself the commerce of its colonies, whether continental or insular. But the Dutch had early been converted to the princi-

¹ A lecture delivered at the Naval War College, Newport, in August, 1902.

² *Gazette de Leyde*, April 6, 1781, p. 7.

ples of colonial free trade. Accordingly St. Eustatius, a free port belonging to a highly commercial nation and set in the midst of English, French, Danish, and Spanish colonies, then rich and prosperous, but managed on the restrictive system which prevailed before Adam Smith, had even in times of peace the opportunity to become an important mart of trade.

When war prevailed between England and France or Spain, and the prohibitions of mutual intercourse between the islands were enforced by vigilant cruisers and eager privateers, the neutral trade of St. Eustatius flourished still more, and drew in a far larger population than that of peaceful days.¹ There can be no better description of its rise than that which Burke gave in the House of Commons.² The island, he said, "was different from all others. It seemed to have been shot up from the ocean by some convulsion; the chimney of a volcano, rocky and barren. It had no produce. . . It seemed to be but a late production of nature, a sort of *lusus naturae*, hastily framed, neither shapen nor organized, and differing in qualities from all other. Its proprietors had, in the spirit of commerce, made it an emporium for all the world; a mart, a magazine for all the nations of the earth. It had no fortifications for its defence; no garrison, no martial spirit, nor military regulations. Its inhabitants were a mixed body of all nations and climates; not reduced to any species of military duty or military discipline. Its utility was its defence. The universality of its use, the constant neutrality of its nature, which made it advantageous to all the nations of the world, was its security and its safeguard. It had risen, like another Tyre, upon the waves, to communicate to all countries and climates the conveniences and the necessities of life. Its wealth was prodigious, arising from its industry, and the nature of its commerce."

But Burke's remarks, in this speech of 1781, are obviously based partly on the experience of the war then in progress, and have led us into a little anticipation. Let us go back to the beginning of the war, and especially to the days before the French alliance, when as yet the contest was merely one between Great Britain and her revolted colonies and had not widened into a European war. On the whole the best source for a knowledge of doings at St. Eustatius during those early days is the correspondence of Sir Joseph Yorke, British ambassador at The Hague, with the secretaries of state and other officials in London. A large mass of copies from

¹ An anonymous pamphlet of 1778 (whose title I have mislaid) states the agricultural population as 120 whites and 1200 blacks. See also Lord Shelburne's remarks, in Hansard, XXI. 1028.

² Hansard, XXII. 220, 221.

that correspondence is to be found among the manuscripts of President Sparks in the library of Harvard University,¹ and another among the papers of George Bancroft at the Lenox Library. Yorke, who had represented his country in the Netherlands ever since 1751, seems to have had most ample means of secret information as to the doings of Dutch traders. His letters, when combined with such materials as we may obtain from other sources, afford a striking picture of the use made of St. Eustatius by the Americans, and must, I think, convince us that the island played a far greater part in the economy of the Revolution than most persons suppose.

In the first place, the war, and the non-importation agreements which preceded it, had cut off at one blow the supply of British manufactures to the American colonies. It was true that the native American inventiveness would in time supply their place. The mute inglorious "hired man," who could do anything with a jack-knife, the versatile Jonas of Mr. Abbott's fancy, would blossom forth as the Yankee inventor. But this would take time; and in the meanwhile it was very convenient to have in the neutral islands of the West Indies a means of temporary supply and a market for American exports. The trade ventures of states as well as of individuals were often carried on in this way. As early as March, 1776, we find Abraham van Bibber agent of the state of Maryland at St. Eustatius, taking care of cargoes sent or underwritten by the state. In the archives of Virginia there are letters from him, addressed to the Virginia committee of safety. In June of the same year Van Bibber of St. Eustatius and Richard Harrison of Martinique announce that they have formed a copartnership, and solicit from the Virginia committee a portion of their custom.²

After France entered into the war, French carriers and French islands like Martinique became ineligible, and the position of the Dutch neutrals became doubly profitable.³ Merchants of the neighboring British islands tried to keep their goods safe in case of French attack by storing them on St. Eustatius.⁴ John Adams, writing to the president of Congress in 1779, after his return from his first mission to Europe, mentions the growing trade through that island as a reason which may justify the attempt to cultivate closer diplomatic relations with the republic of the United Nether-

¹ Sparks MSS., LXXII.

² *Maryland Archives*, XI. 266, 442, 443, 494, 501, 555; Force, *American Archives*, fourth ser., VI. 905; MS. letters of March 11, 23, 28, June 14, July 25, August 15, 1776, in the Virginia archives.

³ Mr. H. T. Colenbrander, *De Patriottentijd*, I. 114, says that the activity of the Dutch trade to the western world was suddenly doubled by the American Revolution.

⁴ Hannay, *Admiral Rodney*, 152.

not necessarily have been a great grievance to the British mind. What excited the English administration to a violent pitch of resentment against St. Eustatius was the fact that it was made the means of an enormous export of military supplies to the American armies, and later of naval supplies to the maritime forces arrayed against England in the Caribbean. It was true that, as early as March 20, 1775, the States General of the United Netherlands, at Yorke's instance, had issued a proclamation,¹ following upon the British Orders in Council of the preceding October,² forbidding the exportation of warlike stores or ammunition to the British colonies in America, or to any place without permission of one of the Colleges of Admiralty. But even before the earlier, or British, prohibition, and before the meeting of the first Continental Congress, the movement had begun.³ By the end of the year 1774 it was noted that there had lately been a prodigious increase in the trade from St. Eustatius.⁴ Two Boston agents were in Amsterdam all that winter buying gunpowder and stores.⁵ After the issue of the Dutch prohibition, Yorke's correspondence shows how early and how constantly it was evaded. The States General and the Council of State had issued it, but the "admiralties," who should have executed it, were not too vigilant.⁶ It is familiar to what straits the Continental army was often reduced for want of gunpowder, and how Congress, in October, 1775, recommended the assemblies and conventions of the states to export provisions to the foreign West Indies in order to get arms and ammunition.⁷

Early in March, 1776, a merchant at Campveere writes Yorke that a favorite way in which to take ammunition to the Americans is to load for the coast of Africa but then go to St. Eustatius, where, says he, "their cargoes, being the most proper assortments, are instantly bought up by the American agents."⁸ Yorke writes to Lord Suffolk, the secretary of state, later in the same month, that

¹ Colenbrander, *De Patriottentijd*, I. 115; *Groot Placcaet Boeck*, IX. 107. The prohibition was for six months; August 18 it was extended for a year. There are translations of these, and of a similar decree of the King of Denmark, in Force, fourth ser., II. 277; III. 156, 942.

² Force, *American Archives*, fourth ser., I. 881; for six months, extended in April, 1775, *ibid.*, II. 277.

³ Yorke to Suffolk, August 5, 26, 1774 (Bancroft MSS.); Dartmouth to Colden, September 7, *N. Y. Col. Docs.*, VIII. 487.

⁴ Yorke to Suffolk, December 30, 1774 (Bancroft MSS.).

⁵ Pearson to Stephens, April 8, 1775, Yorke Papers, *ibid.*

⁶ See also *Hist. MSS. Comm. Reports*, XIV. 10: 334; *Md. Archives*, XI. 156; *Remembrancer*, 1776, II. 32; Colenbrander, I. 115.

⁷ E. g., Washington's *Writings*, ed. Ford, III. 387, 430. *Journals of Congress*, I. 158.

⁸ Yorke Corr., Sparks MSS., March 6, 1776.

that Dr. Hugh Williamson, who had won his degree at Utrecht and was noted afterward as a member of Congress, has lately been in The Hague, inquiring as to the best means of sending goods to that favored mart.¹ Recent orders from Bordeaux for powder seemed to indicate that means had been found to elude the French ordinances on the subject, as well as those of the Dutch. But Holland, and especially Amsterdam, remained after all the chief source of supply.²

It is not to be supposed that the ambassador permitted these underhand dealings to pass unchallenged. Besides urging increased activity on the part of English cruisers (who, to say truth, were already abundantly aggressive),³ he elicited from the States General's committee of foreign affairs resolutions condemning such traffic, and remonstrated warmly to the pensionary of Holland, who he thought would do all he could.⁴ But the constitution of the Dutch Republic was incredibly complicated, and its system of legislation and execution was so cumbersome and dilatory that hardly by anything short of miracle was it possible to get anything done. Moreover, while most people, he thought, condemned the trade, large numbers were interested in it, the great city of Amsterdam especially so; and Van Berckel, the pensionary of Amsterdam, a statesman of great influence, constantly exerted himself to thwart the ambassador of Great Britain.⁵

The Dutch prohibitions, such as they were, expired in the autumn. The British government, not to be satisfied with a bare renewal, sent a memorial of protest to the States General, and it was supported by the stadholder, the Prince of Orange, nephew of King George and head of the British party.⁶ The States General issued a proclamation forbidding, under the same penalties as before, for one year from October 10, 1776, the exportation of warlike stores or ammunition to the revolted colonies, or in British ships to any place.⁷ But that no great things were expected from this decree, or achieved by it, is evident from Suffolk's suggestion, soon after its passage, that no larger amount of military stores be allowed to be sent to the Dutch West Indies than the average annual export in years before the war, that this amount be consigned to the

¹ Yorke Corr., Sparks and Bancroft MSS., May 31, June 28, 1776.

² Yorke Corr., Sparks MSS., August 9, September 3, October 18, 1776.

³ *Ibid.*, March 6, 22, 1776 (Sparks), April 16 (Bancroft); see the curious episode narrated in *Md. Archives*, XI. 83.

⁴ August 2, October 21, 1776.

⁵ August 29.

⁶ Suffolk to Yorke, September 13; Yorke to Suffolk, September 29, October 1, 11; Colenbrander, I. 120.

⁷ *Groot Placcaet Boeck*, IX. 108.

to some particulars that gives me great Satisfaction and puts much in our powers. I was not so happy some time agoe, and every bad consequence to apprehend on our new Governour's taking the Command, but we are as well fixed with him now as we were with the former." Two weeks later he writes: "Our Flag flies current every day in the road. The Merchants here are always complaining of Government untill they would give as much Protection and Indulgence here to us as the French and Spaniards do. . . . The Governour is daily expressing the greatest desire and Intention to protect a trade with us here. Indeed they begin to discover their Mistake and are now very jealous of the French's running away with all their trade."¹

Between the dates of these two letters an event occurred which raised British exasperation to the highest point. On the sixteenth of November, 1776, a vessel of the infant Continental navy, the *Andrew Doria*, Captain Isaiah Robinson, flying the flag of thirteen stripes, dropped anchor in the road of St. Eustatius and saluted Fort Orange with eleven guns; and the salute was returned. This has been claimed as the first occasion on which the American flag was saluted in a foreign port.² But a letter written from the Danish island of St. Croix to Vice-Admiral Young, on October 27 preceding, after mentioning the departure of an unnamed American schooner with a small cargo of powder two days before, adds: "But my astonishment was great to find such a Commerce countenanced by Government here. The Vessel went out under American Colours, saluted the Fort and had the compliment returned the same as if she had been an English or Danish ship."³

But the incident at St. Eustatius was more conspicuous. The *Andrew Doria* was a Continental vessel. Van Bibber reported that her commander was "most graciously received by his Honour and all Ranks of People. Its esteemed here by the first Gentlemen a favour and Honour to be Introduced to Capt. Robertson. All American Vessells here now wear the Congress Colours. Tories sneak and shrink before the Honest and Brave Americans here."⁴ Whatever effect may have been produced on Dutchmen or on

¹ *Md. Archives*, XII. 423, 456; Force, *Archives*, fifth ser., II. 180; III. 513, 759.

² Bancroft, IX. 293; a pamphlet by Hon. B. F. Prescott, secretary of state of New Hampshire, entitled *The Stars and Stripes: The Flag of the United States of America; When, Where and by Whom was it first Saluted?* (Concord, 1876); an article by Rev. Dr. W. E. Griffis, "Where our Flag was first Saluted," in the *New England Magazine*, n.s., VIII. 576 (1893).

³ Letter of October 27, Bancroft MSS.; it was apparently written by a Mr. Kelly and was enclosed in a letter of March 14, 1777, from Lord George Germain to Suffolk, *ibid.*

⁴ *Md. Archives*, XII. 456; Force, *Archives*, fifth ser., III. 759.

of the rebel Congress, and the governor's insolence and folly in replying to the remonstrance of the president of St. Christopher that he is "far from betraying any partiality between Great Britain and her North American colonies."¹ Such conduct from the representative of a state allied to Great Britain by several treaties was not to be overlooked. The secretary of state sent over to Sir Joseph Yorke a memorial which was forthwith presented to the States General, but which was conceived in a peremptory style not usual in the mutual communications of friendly states. After recounting in warm terms Governor de Graaff's connivance at the illicit trade and at the fitting-out of privateers, and the final outrage of returning an American salute, the minister declares that he is ordered "to expressly demand of your High Mightinesses a formal disavowal of the salute by Fort Orange, at St. Eustatia, to the rebel ship, the dismissal and immediate recall of Governor Van Graaf, and to declare further, on the part of His Majesty, that until that satisfaction is given they are not to expect that His Majesty will suffer himself to be amused by mere assurances, or that he will delay one instant to take such measures as he shall think due to the interests and dignity of his crown."²

In fact, the measures deemed appropriate had already been taken. Six days before the memorial had been presented at The Hague the lords of the admiralty had been instructed³ to order the commander-in-chief on the Leeward Islands station to post cruisers off the road of St. Eustatius, search all Dutch ships for arms, ammunition, clothing, or materials for clothing, and send those ships which were found to contain such things into some port of the Leeward Islands, there to be detained till further orders; and these injunctions were maintained for six weeks.⁴

But the Dutch Republic, with the party of Amsterdam and the party of Orange, the French party and that of England, straining its unwieldy governmental machinery in opposite directions, was in no condition to resent effectively the tone of English memorials. Their reply⁵ disavows their governor's actions in so far as they might seem to imply a recognition of American independence, and

¹ Suffolk to Yorke, February 14, 1777 (Sparks MSS.).

² The memorial, presented February 21, 1777, is printed in Hansard, XXI. 1079; in the *Annual Register* for 1777, p. 289; and in the *Remembrancer* for the same year, p. 92. See the comments of Thomas Townshend in Hansard, XXI. 1086. Mr. Colenbrander says that the papers of the Public Record Office show that these menacing words were penned by the British government, not by Yorke himself as was thought at the time.

³ Suffolk to the lords of the admiralty, February 15; Yorke Corr., Sparks MSS.

⁴ Suffolk to the lords of the admiralty, March 29, 1777, recalling the previous instructions and ordering that the Dutch ships which had been detained be restored.

⁵ *Annual Register*, 1777, p. 291; *Remembrancer*, 1777, p. 93.

to North America ; and that he had appointed a customs clerk visitor of ships in order to find arms if any were illegally carried.¹ A committee of the directors of the West India Company, appointed to hear his defense, reported to the States General that it was perfectly satisfactory, and that the facts which he had adduced showed that there was ground of complaint rather against the British commanders for their conduct toward the Dutch settlements and subjects in the West Indies than against the latter.² De Graaff went out again as governor, and conducted himself so acceptably to the Americans that two of their privateers were named after him and his lady ;³ and his portrait, presented sixty years afterward by an American citizen grateful for the " first salute," hangs in the New Hampshire state-house.⁴ Of his defense no more need now be said than that an observance of neutrality which gave to the one beligerent such absolute contentment and to the other such unqualified dissatisfaction can hardly have been perfect.

Accordingly, when Sir George Rodney, sent out to command on the Leeward Islands station, arrived in the West Indies in the spring of 1780, the situation was still exceedingly strained. Rodney declared with conviction that after his ineffectual fight with Guichen off Martinique on April 17, 1780, two vessels loaded with cordage and naval stores and filled with carpenters went out from St. Eustatius, joined the shattered French fleet under Barbuda, and gave such assistance as enabled eight of their vessels, which must otherwise have borne away for St. Domingo, to keep company with their fleet.⁵ He seems at that time to have conceived a deep feeling of hostility against the island. " This rock," he afterward declared, " of only six miles in length and three in breadth, has done England more harm than all the arms of her most potent enemies, and alone supported the infamous American rebellion." ⁶ In August, after he had sailed to New York, Captain Robinson, one of his offi-

¹ *Missive en Deductie*. His defense fills pp. 3-98, his appendix of documents pp. 99-344.

² *Ibid.*, I, 2. See also the Dutch counter-manifesto of March 12, 1781, in Wharton, *Revolutionary Diplomatic Correspondence*, IV. 307.

³ Mundy's *Life and Correspondence of Lord Rodney*, II. 46 ; Stevens, *Facsimiles*, No. 732, anonymous letter to Eden, Philadelphia, September 1, 1780 : " This day arrived the Ship call'd Governor De Graff Cap^t Lyle of this Port from St. Eustatias."

⁴ The correspondence regarding it (1837) is in Mr. Prescott's pamphlet ; it was copied in Surinam from a painting owned there by De Graaff's grandson.

⁵ Mundy, II. 30 ; Colenbrander, I. 120, 124. Mr. Colenbrander prints in an appendix, I. 383, a characteristic letter of advice written by Frederick the Great to his niece, the Princess of Orange, May 31, 1779, in which he says, " Il faut . . . favoriser les François dans les bagatelles, comme de bien approvisionner votre Ile de St. Eustache, pour leur rendre de là les comestibles dont ils peuvent avoir besoin en Amérique."

⁶ Rodney to Lady Rodney, Mundy, II. 97.

peace and violators of the law of nations."¹ So threatening was his tone that insurance to St. Eustatius at once rose to twenty or twenty-five per cent.²

The disavowal was promptly forthcoming. But under the decentralizing Dutch constitution it was even more difficult for the States General to find means of punishing the magistrates of a particular city, and that the most powerful, than it is for the government of the United States to inflict punishment for the murder of Italians in New Orleans. Their reply to the demand for satisfaction and punishment was deemed so dilatory and evasive that the British ambassador was ordered to quit The Hague, and on December 20, 1780, his government, justifying itself in a bold manifesto, declared war against the Netherlands.³ So rich a nation, with a constitution so little adapted to rapid and effective preparation for war, afforded an easy prey; before Yorke had left the The Hague two hundred Dutch ships had been seized, with cargoes valued at fifteen million florins.⁴

But even before he had presented his first memorial he had directed the attention of the secretary of state to the rich opportunity afforded by the Dutch colonies in America. On November 7 he wrote to Lord Stormont: "But it is in the West Indies that the most immediate reprisal might be made, and which would affect them the most, because it is the golden mine of the moment, and in the working of which the greatest numbers are actually employed. It is sufficient to cast an eye upon the Custom House lists of the Rebel Ports in North America, to see what is carrying on through St. Eustatius, Curaçao and other Dutch settlements, but above all the former. What the defence of that place is, anybody can tell who has ever been at St. Kitts; and the panic the seizing of the Rebel ships at St. Martin's struck those of St. Eustatius with, proves sufficiently what the inhabitants themselves thought of it. As these places, but St. Eustatius in particular, are the channels of correspondence and connection with North America, the conduct of

¹ Memorials of November 10 and December 12, 1780, in *Annual Register* of that year, pp. 373, 375; Hansard, XXI. 978, 979; *Remembrancer*, X. 333.

² Adams, *Works*, VII. 329.

³ Manifesto in *Annual Register*, p. 376; Hansard, XXI. 968; *Rev. Dipl. Corr.*, IV. 219. Counter-manifesto of the States General, March 12, 1781, *Gazette de Leyde* of March 20; translated in *Annual Register*, 1781, p. 293, and *Rev. Dipl. Corr.*, IV. 306.

⁴ Colenbrander, *De Patriottentijd*, I. 153, says that in 1778 Great Britain had, of ships of sixty guns and more (then the essential instruments of naval warfare), 122, France 63, Spain 62, the Netherlands 11. See also p. 191 *ibid.* As late as May 17, 1781, a Dutch captain, meeting in the North Atlantic three homeward-bound ships of the Dutch West India Company, gave them their first intimation of the existence of war with England; *Gazette de Leyde*, June 29, p. 4.

Germain, that the town had reached such a state of commercial importance that the annual rent of its houses and warehouses amounted to a million sterling,¹ would hardly seem credible were it not supported by Rodney's declaration that the lower town, a range of storehouses about a mile and a quarter in length, had been "let at the enormous sum of twelve hundred thousand pounds per annum."²

Rodney had left Sandy Hook in the middle of November, and arrived at Barbados on December 6.³ During his absence and after his return the control of neutral commerce was vigilantly maintained. In October an English privateer, after a half-hour's fight, took an American vessel out of the road of St. Eustatius.⁴ Early in January three others seized ten vessels laden with sugar and coffee and cotton, which were sailing from the French islands to St. Eustatius and St. Croix under the convoy of a Danish frigate.⁵ In the middle of the month Admiral Rodney made his ineffectual attack on St. Vincent. Before the year ended he was joined by Rear-Admiral Sir Samuel Hood with large reënforcements. At Barbados, on January 27, he received the declaration of war and his secret orders. Embarking the troops under Vaughan, he sailed from St. Lucia on the thirtieth. After a feint at Martinique, he appeared before St. Eustatius on February 3 and demanded the instant surrender of the island and all that it contained.⁶

The blow, as Rodney said, "was as sudden as a clap of thunder," and wholly unexpected. A Dutch frigate, which had arrived but two days before, had brought no news of war. As a naval exploit the capture has no interest. There was no possibility of defense. The fortifications were such as Lord Stormont had described. The garrison numbered only fifty or sixty men.⁷ The naval force in the harbor consisted of the frigate already mentioned, of thirty-eight guns, and five smaller American vessels, of from twelve to

¹ Hansard, XXII. 246, House of Commons, May 14.

² Mundy, II. 94, 95; *Historical MSS. Commission Reports*, IX. 3: 112.

³ Mundy, I. 447, 448.

⁴ Letter of October 31, 1780, from St. Eustatius, in *Gazette de Leyde*, February 27, 1781, p. 8.

⁵ *Gazette de Leyde*, March 13, p. 5; April 17, p. 1.

⁶ Rodney's reports to the admiralty and the secretary of state, and his letter to Lady Rodney are given in Mundy, II. 9-27. Some additional particulars respecting the capture may be obtained from Vaughan's reports, which (with Rodney's) are printed in the *London Chronicle* of March 13-15, p. 249. The *Gazette de Leyde* of May 15, pp. 5, 6, and the *Nederlandsche Jaerboeken*, 1781, pp. 807-813, present a sort of diary of the events from February 3 to February 22, kept by a Dutch supercargo at St. Eustatius. Count Bylandt's report to the stadholder, February 6, is in the *Gazette* of March 27, p. 8, and in the *Jaerboek* at p. 787. See also the *Annual Register* of 1781, pp. 101, 102, and De Jonge, IV. 458-468.

⁷ Burke, in Hansard, XXII. 221, 772.

outfits, everything save hulls and masts, had been obtained through St. Eustatius. The island, said Lord George Germain, was a vast magazine of military stores of all kinds. Several thousand tons of cordage had been found, though Rodney complained that he had been unable to procure any for his needs, and had been told that there was none to be had. Altogether, the value of the capture was estimated by sober authorities at more than three million pounds sterling. Besides the other inhabitants of all nations more than two thousand American merchants and seamen were secured.¹ It was a pardonable exaggeration if the admiral, in the flush of victory, wrote to his wife that "There never was a more important stroke made against any state whatever."²

How profound an impression the disaster made upon public opinion in Holland may be seen from what John Adams, an eye-witness, reports to Secretary Livingston: "You can have no idea, sir, no man who was not upon the spot can have any idea, of the gloom and terror that was spread by this event. The creatures of the court openly rejoiced in this, and threatened, some of them in the most impudent terms. I had certain information, that some of them talked high of their expectations of popular insurrections against the burgomasters of Amsterdam and M. Van Berckel; and did Mr. Adams the honor to mention him as one that was to be hanged by the mob in such company."³ In England, on the other hand, there was great exultation. The guns of the Tower were fired, and the government stocks rose one and a half per cent.⁴ George Selwyn noted the joy which prevailed at White's.⁵ "Your express," wrote Lady Rodney, "arrived on the morning of the 13th (March). My house has been like a fair from that time till this. Every friend, every acquaintance came. I went to the drawing-room on Thursday following. It was more crowded than on a birthday; and the spirits which every one was in was enlivening to a degree, and the attention and notice I received from their Majesties were sufficient to turn my poor brain. . . . This glorious news has been a thun-

¹ Mundy, II. 11, 15, 18, 19, 21, 67, 77; Hansard, XXII. 244, 245; *Annual Register*, 1781, p. 102; *Letters from Sir George Rodney*, p. 161. Some of the intercepted letters were presently printed in a pamphlet entitled *Authentic Rebel Papers seized at St. Eustatius*, 1781; but though relied upon by their editor (shortly before Yorktown) to prove the inability of America to continue the contest, they are of slight importance; and indeed the first and longest of them bears marks of spuriousness. Their genuineness was questioned by a contemporary reviewer in the *Monthly Review*, LXV. 382. Burke offered to prove that the alleged scarcity of cordage had been real, Hansard, XXII. 776, 777; but the evidence seems to point the other way.

² Mundy, II. 25.

³ Adams's *Works*, VII. 417, 523.

⁴ *London Chronicle*, March 10-13, 1781, p. 248.

⁵ *Historical MSS. Commission Reports*, XV. 6: 472.

he conveys a decided hint to the admiralty under the form of a request that "if his Majesty is graciously pleased to bestow any part of" the spoil "between the navy and army, he will dictate in what manner his gracious bounty may be bestowed, that all altercations and disagreements may be prevented between" the two services; and various passages in his letters to Lady Rodney betray a serious anxiety as to his debts.¹

Begun in the spirit of boundless exasperation, the measures of the British admiral were summary and sweeping. Briefly, it was decreed that all the inhabitants of St. Eustatius were to be held as prisoners of war, and all the property found there was to be confiscated to the King;—as Burke phrased it, "a general confiscation of all the property found upon the island, public and private, Dutch and British; without discrimination, without regard to friend or foe, to the subjects of neutral powers, or to the subjects of our own state; the wealth of the opulent, the goods of the merchant, the utensils of the artisan, the necessities of the poor, were seized on, and a sentence of general beggary pronounced in one moment upon a whole people."² The admiral enjoined that there should be no plundering; that neither officers nor men should go ashore from the fleet; and that none of the English inhabitants of the Leeward Islands should approach the doomed town; that all the naval stores should be sent to the government shipyards at Antigua; that the provisions designed for St. Domingo should be despatched to Jamaica; that all the goods of European origin should be sold publicly for the King; that all the rich stores of West Indian and American produce should be sent to England under convoy; and that the "lower town" should be destroyed or unroofed, and the materials sent to the devastated islands of Barbados, St. Lucia, and Antigua.³

Communication with the Windward Islands by flags of truce, grossly abused in the preceding war, was strictly forbidden.⁴ Prisoners of war were at the admiral's mercy. Samuel Curzon, who had been the local agent of Congress since the beginning of the war, and Isaac Gouverneur, Jr., who of late had been his partner,

¹ Mundy, II. 21 (February 10), 98, 139, 140.

² Hansard, XXII. 221, 222.

³ Mundy, II. 11–13, 16, 24, 30, 68, 88, 89, 92, 421; *Letters*, 94*, 97*, 98*, 108; *Gazette de Leyde*, May 8, p. 4. Probably the lower town was not actually destroyed, as we find Rodney, as late as April 21, soliciting permission to destroy it; Mundy, II. 94, 95. The secretary of state ordered the provisions to be sent to the British army in North America; *Letters*, 99; but they are said to have been conveyed to the French after Rodney's departure; Mundy, II. 423.

⁴ Mundy, II. 33, 35; *Letters*, 21, where Rodney says that in the previous war the ordinary price of a flag of truce was fifty johanneses.

The hardest measure of all was meted out to the Jews. Not only were they deprived of their property and laid under sentence of banishment, but they were given but a day's notice for their departure, and were told that they were to go without their wives and children. They assembled the next day, to the number of 101. Forthwith they were confined in the weigh-house and strictly guarded. They were stripped, and the linings of their clothes ripped up in search of money. Eight thousand pounds sterling were obtained in this way. One of these Jews, from whose clothing 900 johanneses were taken, was a Newport Jew named Pollock. Having imported tea contrary to the command of the Rhode Islanders, he had been driven from the island with loss of all his property. Sir William Howe had given him the opportunity for a fresh start, on Long Island, but again the Americans had fallen upon him and despoiled him; and now for the third time he suffered loss of all his property, though this time the blow was inflicted by the agents of his own government.¹

It was inevitable that such wholesale devastation should excite the indignation of Europe, especially since most of Europe was at war with England or sympathized with her enemies. It was quickly taken up by the West India merchants in London, who held a meeting, sent a committee to interview Lord George Germain, and presented to the Crown an able but ineffectual petition.² Even the Amsterdam merchants sent over a remonstrance, though those of Rotterdam refused to sue for justice of the public enemy.³ It was also made the subject of a warm attack in the House of Commons, an attack illuminated by the genius of Edmund Burke. Upon motions for an inquiry into the conduct of the chief commanders, the whole affair was debated in May, and again in December, when Rodney and Vaughan, who were members of the House, were able to be present.⁴ Burke had no difficulty in showing that a wholesale confiscation of private property found in a captured place was contrary to the law of nations. He defied his opponents to men-

¹ Hansard, XXII. 223-226. The *Gazette de Leyde*, June 5, p. 3, gives the name of this man as Moloch, surely an unlikely name for a Hebrew. Lord George Germain asserted that the treatment of the Jews was unknown to the commanders-in-chief, but St. John declared himself ready to prove the opposite (*ibid.*, 244, 247), and indeed it seems to be proved by the petition of the Jews of St. Eustatius, dated February 16, printed in the *Annual Register*, pp. 308-310, and in *Nederlandsche Jaerboeken*, 1781, pp. 817-820.

² *Gazette de Leyde*, March 27, p. 4, March 30, p. 8, April 6, p. 7; the petition, *ibid.*, April 27, May 1; *Nederlandsche Jaerboeken*, 1781, pp. 796-806.

³ Dumas to the president of Congress, *Rev. Dipl. Corr.*, IV. 323; to John Adams, Adams's *Works*, VII. 408.

⁴ The debates are in Hansard, XXII. 218-262, 769-785, 1023-1026. See also a letter of John Adams in *Rev. Dipl. Corr.*, IV. 460.

Royal. Yorktown itself might never have happened if this juncture of the French had not been effected, and in all probability it would not have been effected if Rodney, with his whole fleet, had been where Hood wished him to be, to windward of Martinique.¹

Lord North's "fine brute majority" might stifle inquiry, but it could not control the operations of the courts of law, nor such retribution as might be offered by the fortunes of warfare. In the course of the legal proceedings no fewer than sixty-four claims appeared, amounting as stated to far more than the whole of the captured property. Rodney was subjected to great expense and vexation. The books and papers, sent to the care of the secretary of state, could not be found. Six years after the capture, only thirteen of the cases had been finally disposed of, and in nine of these there had been sentences of restitution.² The King had granted all the spoil to the captors, excepting only provisions, ordnance, arms, ammunition, and military stores, and Rodney and Vaughan should each have received a sixteenth part of the immense booty;³ but Vaughan declared in the House of Commons that he had not made a shilling by the transaction,⁴ and Rodney seems to have fared hardly better. They had made two successive and mutually conflicting arrangements for the general agency, which had embroiled them with the captains, and embarrassed and retarded the settlement.⁵

Much the most valuable part of the spoil had been, after careful preparation, sent to England in a large fleet of thirty-four merchantmen under convoy of Commodore Hotham, with two ships of the line and three frigates. Before they had reached the English coast, but only twenty leagues to the west of the Scilly Islands, a French admiral, LaMothe Piquet, having under his command a much superior force, fell in with the ill-fated convoy. Hotham signalled for the war-ships to draw closer and for the convoy to dis-

¹ *Letters of Sir Samuel Hood*, 17, 22, 23; Stevens, *Clinton-Cornwallis Controversy*, I. 83; Mahan in Clowes, *History of the Royal Navy*, III. 481, 482; *Types of Naval Officers*, 224, 228.

² Mundy, II. 5, 77, 367, 368. One of the suits became a leading case in prize law. The King's Bench having been moved for a prohibition to restrain the Court of Admiralty from condemning certain property, on the ground that it had been taken on land, not on the sea, Lord Mansfield in an elaborate opinion considered the foundation and nature of the prize jurisdiction of that court, and declared that the question of prize or no prize belonged solely to it, whoever the parties or whatever the place of capture; *Lindo vs. Rodney*, 2 Douglas 613-620 (1782). In 1783 the House of Lords sustained the same view in *Mitchell et al. vs. Rodney and Vaughan*; 2 Brown, *Reports of Cases in Parliament*, 423. *London Chronicle*, November 24-27, 1781.

³ *Letters*, 99, 101; Mundy, II. 79, 80, 112.

⁴ Hansard, XXII. 781.

⁵ The details are given in two pamphlets: *An Explanation of the Case relating to the Capture of St. Eustatius*, London, 1786; and *Saint Eustatius; Facts respecting the Captured Property, and Reasons in Support of a Bill, etc.*, *ibid.*

perse and save themselves. But the French made after the convoy and captured twenty-two of them. Only eight of the merchant vessels, together with the ships of war, succeeded in making their escape into Berehaven Bay.¹

So vanished a part of Rodney's expectations of wealth.² Before the end of the year St. Eustatius itself, which he supposed that Vaughan had made impregnable, was taken by the French. The recapture was planned by the principal French merchant of the place, in conjunction with the Marquis de Bouillé, the energetic governor of Martinique. The marquis landed 1,400 men at an unguarded point of the coast, and easily overcame the small force of 628 which Lieutenant-Colonel Cockburn, the British commander, had at his disposal. Upon Cockburn's trial at the Horse-Guards in 1783 it was testified that he had been offered reinforcements, but replied that he "had vagabonds enough already"; also that he had been warned of the French attack two days before it occurred, but had "damned the information."³ By the mismanagement of Rodney's agents his money at the island, which should have been sent to New York and so home, was detained and confiscated.⁴ The conquest on which he had prided himself as "the greatest blow that Holland and America ever received" ended in disappointment and vexation for him, reversal and odium for his country. But it was left for him, by the memorable victory of the twelfth of April, 1782, to show that, despite mistakes of public policy and faults of private character, he possessed a professional greatness that could lift his name to heights of glory as a naval commander.

J. FRANKLIN JAMESON.

¹ *London Chronicle*, May 15-17, p. 465; another subsequently escaped into Plymouth. *Gazette de Leyde*, May 18, p. 8, May 25, p. 6, May 29, p. 2; *Nederlandsche Mercurius*, L. 212; *Rev. Dipl. Corr.*, IV. 412, 423, 437; Mundy, II. 61; Marshall, *Naval Biography*, I. 106.

² The *London Chronicle*, May 15-17, p. 466, estimates that Rodney and Vaughan will personally lose £300,000 by LaMothe Piquet's captures. The recaptured goods were not restored to the Dutch, as they would have been under the French-Dutch convention of May 1, 1781, but were adjudged to the French recaptors; *Gazette de Leyde*, June 12, pp. 3, 6.

³ Cockburn was cashiered and died soon after. The leading source of information on the recapture is *An Authenticated Copy of the Proceedings on the Trial of Lt.-Col. Cockburn (of the Thirty-Fifth Regiment) for the Loss of the Island of St. Eustatius*, London, 1783.

⁴ *Letters*, 169-171, 174; Mundy, II. 421, 422. The French are said to have got more than £120,000 in cash; *An Authenticated Copy*, p. 172.

DOCUMENTS

Correspondence of the Comte de Moustier with the Comte de Montmorin, 1787-1789.

(First Installment.)

It is not altogether clear why Bancroft in giving in the appendix of his *History of the Constitution* selections from the correspondence of the diplomatic representatives of France in America during the agitation for a better system of government should have stopped where he did, for with 1788, a year critical for the new Constitution, there was begun the correspondence of the Comte de Moustier,¹ from which but a single letter is taken.² This correspondence is instructive not merely because it defines exactly the attitude of the French government toward the project, but also because it reveals the impression which the last months of the Confederation made upon the French minister, and explains the measures which he suggested to protect French interests in case of an utter collapse or of a sudden outbreak of war between France and England. It also touches incidentally the questions which arose between France and the United States. The letters that follow are given chiefly to illustrate the interest that belongs to the correspondence as a whole, while at the same time they have been selected with a view of bringing out the attitude of France toward the attempt to consolidate the new republic, and of showing the embarrassments of diplomacy prior to the organization of an effective central government. There is noticeable even in these few letters a progressive irritation at the Americans. This appears more clearly in other letters written in 1789. Apparently Moustier was ill adapted to his task. He was described in a private letter sent to General Gates as "Distant, haughty, punctilious, and entirely governed by the caprices of a singular, whimsical, hysterical old woman [his sister, Madame de Bréhan] whose delight is in playing with a negro child and caressing a monkey."³ From one of Jefferson's letters it appears that

¹ Éléonore François Élie, comte, afterwards marquis de Moustier; born March 15, 1751, died January 28, 1817. After his mission in the United States was ended he became minister at the court of Berlin. With the overthrow of the monarchy he joined the *émigrés*, not returning to France until the Restoration.

² A letter dated June 5, 1789, Bancroft, II. 495-496.

³ Quoted in *Diary and Letters of Gouverneur Morris*, I. 20.

Moustier's conduct "was politically and morally offensive," and that Jefferson had approached the Comte de Montmorin through Lafayette to urge "that his minister's conduct had rendered him personally odious in America, and might influence the dispositions of the two nations."¹ Montmorin promised to make use of a loose expression in one of Moustier's letters which might be interpreted as a petition for a leave of absence. Moustier really desired a leave of absence because his health had been impaired by the long voyage to America. A little later in 1789 Montmorin informed Jefferson that the formal request for leave had come.² He also told Gouverneur Morris in July that it was not the intention of the French government to allow Moustier to return, but that another more acceptable person would be sent in his place.³

HENRY E. BOURNE.

Instructions 20. Octobre 1787.

I. INSTRUCTIONS.⁴

(Archives des Affaires Étrangères, États-Unis, 1777 à 1789, Tome I., folios 421 ff.)

Mémoire pour servir d'Instructions au Sieur Comte de Moustier, Chevalier de l'Ordre royal et militaire de St Louis, allant en Amérique en qualité de Ministre Plénipotentiaire du Roi près le Congrès des Etats-Unis.

Le zèle et la prudence avec lesquels le Sieur Comte de Moustier a rempli les deux Missions que le Roi lui a successivement confiées, ont déterminé Sa Majesté à le nommer son Ministre plénipotentiaire auprès des Etats-Unis de l'Amérique Septentrionale. Cette marque de confiance est d'autant plus flatteuse pour le Comte de Moustier, que Sa Majesté attache un grand prix au maintien de son alliance avec les Etats-Unis, et que la conduite de son représentant peut influer essentiellement sur leurs affections et sur leurs démarches.

Le Comte de Moustier jugera par là qu'il devra s'attacher à fortifier les Américains dans les principes qui les ont engagé à s'unir à la France : il leur fera sentir pour cet effet, qu'ils ne sauroient avoir d'Allié plus naturel que le Roi, tandis qu'ils peuvent être certains que l'Angleterre jalouse leur prospérité, et qu'elle y nuira autant qu'elle en trouvera l'occasion. Cette matière conduira nécessairement le Comte de Moustier à avoir des conversations sur le Commerce, objet qui fixe presque exclusivement l'attention des Américains.

¹ *American Diplomatic Correspondence, 1783-1789*, IV. 62-63.

² *Ibid.*, 94.

³ *Diary and Letters*, I. 139.

⁴ These instructions were accompanied by the letter of transmittal published by Bancroft, *History of the Constitution of the United States*, II. 443-444.

Ils se plaindront probablement du peu de faveur qu' ils prétendront éprouver en France et particulièrement dans nos Iles. Le Comte de Moustier trouvera ci-joint un Mémoire qui le mettra en état de discuter cette matière en pleine connaissance de cause. Cette pièce lui fournira des moyens plus que suffisants pour convaincre les Américains des bonnes intentions du Roi à leur égard, et de son désir de faire prospérer leur Commerce autant que cela se pourra sans préjudicier à celui de ses propres sujets.¹ Au reste le Comte de Moustier ne négligera rien pour acquérir autant de connaissances qu'il pourra sur tous les objets qui pourront contribuer à rendre notre Commerce avec les Etats-Unis aussi avantageux que la nature des choses pourra le comporter. L'administration n'a pas été suffisamment éclairée jusqu'ici sur cette importante matière ; et il est à craindre que les Américains ne prennent des habitudes qui nous seroient préjudiciables, et dont la France ne pourroit plus les détourner. On a lieu de croire que c'est là le principal objet de la Cour de Londres ; et il est évident que la France perdra tout ce que gagnera la Grande Bretagne.

Ce seroit se tromper volontairement que de supposer que cette puissance ne cherche pas à diminuer les sentiments qui doivent attacher les Etats-Unis à la France, et à opérer insensiblement leur rapprochement de leur ancienne Mère-patrie. Il sera utile que le Ministre du Roi suive la marche des agens anglais, et qu'il fasse ce qui dépendra de lui, mais sans affectation, pour rendre nulles leurs insinuations.

Le Comte de Moustier trouvera sûrement les Américains fort occupés de la fermentation qui règne en ce moment-ci en Europe, et il y a beaucoup d'apparence qu'on cherchera à l'en entretenir, et à connaître par lui le véritable état des choses. Dans ce cas le Comte de Moustier pourra dire, relativement aux affaires de Hollande² qu'elles ont pris inopinément une tournure décidée en faveur du Stathouder par un de ces hazards qu'il est impossible de prévoir, et sur lequel ni la Cour de Berlin, ni celle de Londres ne comptoient, et que les résolutions prises par les Etats de Hollande comme par les généraux sous l'influence des troupes prussiennes, ont empêché Sa Majesté de faire des démonstrations en faveur des patriotes, et qu'Elle s'est déterminée à laisser les choses dans leur état actuel plustôt que de livrer la République aux hor-

¹ Certain concessions were made in December of this year which later excited considerable protest in France. Jefferson's letters in *American Diplomatic Correspondence, 1783-1789*, III. 354 ff. Cf. 364, 375-376, 401 ; IV. 6.

² For this affair see A. Sorel, *L'Europe et la Révolution Française*, I. 360-368.

du premier capital ; le Roi ne se flatte même pas de recouvrer de sitôt cette somme : malgré cela il sera utile de la rappeler aux Américains pour qu'ils ne croient pas qu'on l'a perdue de vue. Il conviendra surtout que le Ministre du Roi les presse pour l'acquittement exact des intérêts : cet article lui est particulièrement recommandé ; il insistera surtout sur les intérêts que le Roi paie en Hollande à la décharge du Congrès.

Le Comte de Moustier connaît les détails relatifs à la querelle subsistant entre les Etats-Unis et l'Espagne concernant la navigation du Mississipi. Il est à présumer que la partie saine du Congrès voit cette discussion avec peine et voudroit la prévenir : mais les Colonies qui se sont établies sur les bords de l'Ohio, deviennent si considérables, que le Congrès sera désormais hors d'état de les contenir, et qu'elles entreprendront, sans son aveu de s'ouvrir un passage vers le golphe du Mexique. Si l'on parle au Comte de Moustier de cet objet, il se bornera à observer que le Roi verroit avec peine que les Etats-Unis se brouillassent avec l'Espagne pour un objet où les principes sont en faveur de cette puissance, et qu'il seroit fort à désirer que les choses pûssent être arrangées à l'amiable. Du reste le Comte de Moustier n'offrira ni des moyens de conciliation, ni les bons offices de Sa Majesté : la question est trop délicate pour qu'il convienne au Roi de s'en mêler : son intervention ne serviroit probablement qu'à le compromettre avec toutes les parties intéressées.

Le Comte de Moustier aura vu dans la correspondance du S. Otto que les Américains sont occupés d'une nouvelle constitution. Cet objet n'intéresse que faiblement la politique du Roi. Sa Majesté pense, d'un côté, que les délibérations n'auront aucun succès par la diversité des affections, des intérêts et des principes des différentes provinces ; de l'autre qu'il convient à la France que les Etats-Unis demeurent dans leur état actuel, parce que s'ils prenoient la consistance dont ils sont susceptibles, ils aquerroient bientôt une force et une puissance dont ils seroient probablement très empressés d'abuser. Malgré cette dernière réflexion le Ministre du Roi aura soin de tenir la conduite la plus passive, de ne se montrer, ni pour, ni contre les nouveaux arrangemens dont on est occupé, et, lorsqu'il sera provoqué, de ne parler que des vœux du Roi et de ses vœux personnels pour la prospérité des Etats-Unis.¹

Le Comte de Moustier trouvera ci-joint des lettres de créance. Il les remettra au Congrès dans la forme accoutumée. Il répétera de vive-voix à cette assemblée les sentiments qui y

¹ Cf. the instructions sent to Otto the previous August, given in Bancroft, *op. cit.*, II. 438-439.

sept Etats. Les Députés des autres ne se hâtent point d'arriver. L'Etat de Rhodeisland n'en a pas même nommé. L'indifférence des membres qui composent ou devraient composer cette assemblée apporte une grande lenteur dans l'expédition des affaires.

Insuffisance du Congrès pour contraindre à exécuter ce qu'il prescrit.

Le Congrès qui n'a dû son importance et sa considération qu'à des circonstances qui faisoient sentir aux Américains unis la nécessité d'un pouvoir étendu et actif, a perdu le peu qu'il en avoit conservé, depuis qu'on s'est aperçu qu'il n'avoit aucun moyen d'exercer les droits que la confédération sembloit lui avoir assurés. Aussi cette Assemblée ne peut elle plus être regardée que comme l'ombre d'un pouvoir Souverain. Elle peut délibérer et prescrire mais ne peut point contraindre à l'obéissance. Son insuffisance est généralement reconnue dans l'étendue des Etats-Unis. Malgré l'opinion des personnes qui croient que ces Etats ne sont exposés à l'influence des mouvemens qui pourroient agiter et troubler les puissances de l'Europe, on auroit été bientôt convaincu, que la même foiblesse qui rend le Congrès insuffisant pour gouverner au dedans le rend également incapable de prendre aucune mesure efficace au dehors, si la sagesse et la fermeté du Roi n'avoient prévenu la guerre qui sembloit à la veille d'éclater entre la France et l'Angleterre. Dans la situation actuelle le Congrès ne peut point être utile aux alliés des Etats-Unis et n'est point en état de nuire à leurs ennemis. Sans marine, sans troupes, sans fortifications, sans force coercitive pour les entretenir, il ne pouvoit empêcher que les postes les plus importants ne tombassent au pouvoir du premier occupant.

tableau du denuement absolu des moyens du Congrès pour être utile aux alliés des Etats-Unis et pour se garantir des entreprises des ennemis.

opinion qu'il est impossible que la forme actuelle du gouvernement puisse subsister.

Sans examiner ici si la scission ou la consolidation de ces Etats convient aux puissances de l'Europe et auxquelles l'une ou l'autre conviendrait le plus, je crois qu'il est impossible que la forme actuelle du Gouvernement puisse subsister. Les opinions ne sont point partagées sur la nécessité d'en établir une autre. La diversité des intérêts en cause une grande dans l'idée que différens partis se font sur le mode qu'il convient d'adopter. Vous avés été informé, Monseigneur, par M. Otto de tout ce qui s'est passé pour opérer cette révolution. Je ne doute pas que son rapport ne vous ait paru très satisfaisant et n'ait excité toute votre attention.

La Constitution proposée par la Convention générale de Philadelphie a déjà été acceptée par cinq Etats dans l'ordre suivant ; Delaware, Pennsylvanie, Jersey, Georgie, Connecticut. Les Etats du Newhampshire, de la Caroline, de la Virginie, du Maryland et de Newyork ont fixé les époques de leurs conventions particulières pour examiner la Constitution selon l'invitation du Congrès. Celui de Massachussets délibère actuellement. Les premières apparences y étoient con-

Etats qui ont adopté la constitution proposée par la Convention G^{le} de Philadelphie.

qui leur seroient accordées en compensation de celles que le Roi auroit données aux leurs. Mais quant à nos marchandises, si l'on veut en assurer le débit, il faut nécessairement en fournir aux Américains selon leur goût. Je croirois que sans donner aucun privilège exclusif, il seroit infiniment avantageux de pouvoir former une Compagnie de négocians qui suivissent à l'égard du Commerce avec les Etats-Unis les principes que suit pour celui du Levant la chambre de Commerce de Marseille. Sans faire de réglemens, l'administration pourroit exciter les différentes chambres de Commerce du Royaume à donner une attention particulière à cet objet. Si l'on remarquoit aujourd'hui que quelques manufactures sont en souffrance par l'effet de quelques traités de Commerce dans lesquels l'intérêt du royaume¹ pris en masse n'empêche pas les pertes de quelques branches particulières, un moyen de les relever seroit de leur donner un encouragement suffisant pour pouvoir adopter les formes convenables et donner les qualités nécessaires à leurs ouvrages pour être susceptibles de débit dans ce pays-ci. Pour les connoître il suffit d'examiner en Angleterre et en Irlande toutes les marchandises qui s'y fabriquent pour l'Amérique. Il doit être plus facile de changer l'habitude des fabriquans que celle d'un peuple entier, de même qu'il est plus naturel, que ce soit le fabricant qui se conforme au goût du consommateur que celui-ci au caprice ou à la routine de l'autre.

raisons qui s'opposent
aux progrès des manu-
factures des Etats-Unis.

Plusieurs Etats particuliers ont essayé d'établir des manufactures pour s'affranchir jusqu'à un certain point du tribut qu'ils payent à l'Angleterre. Tout grands que sont leurs efforts et tout considérables que sont les encouragemens qu'ils donnent à ces établissemens, les manufactures de l'Europe doivent l'emporter encore pendant longtems. Trop de causes s'opposent au succès de celles de ce pays-ci du moins quant à leur nombre. Le goût de la propriété domine trop parmi ces peuples nouveaux et la facilité d'en acquérir est trop grande pour qu'ils se livrent au travail des manufactures. La culture des terres offre un champ plus vaste et plus attrayante à leur industrie. L'impulsion est donnée aux habitans des anciens Etats pour se porter vers les riches territoires de l'Ouest. La rapidité de la population y est aussi prodigieuse que la fertilité de cette vaste étendue de pays. Ces raisons empêcheront longtems les manufactures d'y prendre un grand accroissement, de même que la facilité des émigrations des anciens Etats nuit à celles qu'ils ont tenté d'y établir, puisqu'il ne s'y trouvera pas un excédent de bras qu'on pourroit y employer, tant que les hommes qui n'y auroient point de

¹ Particularly the treaty of 1786 with Great Britain.

terrain en propre à cultiver peuvent en acquérir facilement ailleurs. L'avantage que les Européens auront pour le débit de leurs manufactures doit donc durer autant qu'il y aura de terrains à défricher dans la vaste étendue du territoire des Etats-Unis, celles qui n'en profiteront pas ne pourront s'en prendre qu'à elles-mêmes.

Je crois, Monseigneur, qu'en représentant au Conseil Royal des finances et du Commerce la situation défavorable de nos relations avec ce pays-ci où l'Angleterre exerce un monopole de fait sur une infinité de marchandises que nous pourrions également fournir, il s'occupera avec succès de remédier à une situation aussi désavantageuse et aussi éloignée des espérances, qu'on pouvoit former après avoir dépensé des sommes aussi énormes et verser autant de sang pour décider une révolution dont nous n'avons recueilli jusqu'à présent que de la gloire, en abandonnant le profit qu'elle devoit procurer. Je suis avec respect,

Monseigneur,

Votre très humble et très obéissant serviteur

LE C^{TE} DE MOUSTIER.

III. MOUSTIER TO MONTMORIN.

(Archives des Affaires Étrangères, États-Unis, 1788, Tome 33, folios 22 ff.)

No. 2.

A NEWYORK le 10. Février. 1788

rec. le 24 mars.

Monseigneur.

En portant mon attention sur l'insuffisance du Congrès d'être utile à ses alliés et sur le danger de voir en tems de guerre les postes les plus importants tomber au pouvoir du premier occupant, ainsi que j'ai eu l'honneur de vous le marquer dans ma dépêche précédente, j'ai cherché en même tems quel pouvoit être le moyen de remédier du moins en partie, à cet inconvénient dont les suites pourroient être infiniment facheuses, si l'on n'étoit préparé d'avance à un événement, qui peut arriver au moment le moins attendu, tel que seroit une rupture entre le Roi et la Grande Bretagne.

Le voisinage des Etablissements Anglois du Nord des Etats-Unis et surtout la position favorable du magnifique port d'Hallifax donneroient immédiatement une supériorité décidée aux premiers sur ces Côtes. Dans la situation actuelle des choses il est certain que nous n'avons point de Commerce à y protéger, mais nous aurions un grand intérêt à ruiner celui que nos rivaux y font avec un si grand avantage. Nous aurions à prévenir le progrès de leur influence sur ce pays, où alors ils pourroient occuper toutes les avenues par où s'entretient

projet que propose M. le C^{te} de Moustier d'envoyer tous les ans hiverner en Amérique les officiers et équipages employés aux Antilles, afin, en cas de guerre, de prévenir par là que les Anglois ne s'emparent les ports des ports Américains.

Utilité d'adopter ce projet cette année.

la communication avec l'Europe. Les premières Escadres qui paroitraient sur les côtes des Etats-Unis pourroient s'emparer sans obstacle de Newport et de Sandyhook, y débarquer des troupes et protéger la construction des forts nécessaires pour s'en assurer la possession. La même opération pourroit se répéter partout où elle seroit jugée favorable. Dans cette position l'Angleterre seroit en mesure d'imposer au Commerce et à la navigation des Etats-Unis toutes les entraves qu'elle jugeroit convenables. Elle y acquerreroit une prépondérance qui seroit telle qu'aucune autre puissance ne pourroit la balancer. Elle posséderoit de nouveau, mais avec plus d'étendue et beaucoup moins de frais tous les avantages que lui offroient ses anciennes Colonies, à qui elle laisseroit ses formes Souveraines, comme elle les a laissées aux provinces démembrées de l'Empire du Mogol.

Je crois que si les Escadres du Roi arrivoient les premières, elles pourroient y avoir les mêmes facilités que celles d'Angleterre d'y établir des fortifications, qui leur assureroient la possession des ports, capables de recevoir des vaisseaux de ligne et la supériorité décidée sur des mers qui formeroient alors un intervalle entre les possessions Angloises du Nord de l'Amérique et celles du Golphe du Mexique, au lieu de leur servir de communication, comme elles le feroient si l'Angleterre dominoit sur les Etats-Unis. La différence qu'il pourroit y avoir entre les mêmes opérations faites par l'une ou l'autre puissance seroit que l'Angleterre y mettroit des formes moins favorables que le Roi. De la part de S. M. on pourroit pour maintenir la dignité et la considération du Gouvernement Américain donner l'apparence d'un accord commun et garantir l'évacuation des postes occupés dès que les circonstances qui auroient donné lieu à ces démarches n'existeroient plus. La foiblesse du Congrès ne permettroit guère d'employer en négociation et en délibération un tems dont tous les instants seroient précieux pour l'action. J'ignore à quel point pourroient se réaliser les conjonctures, qu'on peut former sur le parti de vigueur, que prendroit l'Angleterre dans le cas de l'événement, dont la supposition peut toujours avoir lieu pour un terme plus ou moins éloigné. Ce qui me paroît moins douteux, c'est que si les ports des Etats-Unis couroient risque d'être occupés par les Anglois, il seroit préférable que nous les gagnassions de vitesse. Mais je supposerai en même tems, ce qui est tout aussi possible et peut-être plus probable, que les Etats-Unis puissent jouir pendant le cours d'une guerre qui éclateroit entre la France et l'Angleterre d'une neutralité qui seroit principalement à leur avantage, il n'en est pas moins certain que dans tous les cas il est de la plus grande importance, que les mers, les côtes et les

ner une idée favorable de notre nation et de la puissance du Roi, ce qui ne peut se faire que par l'apparition d'une Escadre bien dirigée et bien composée, ainsi qu'il paroît que l'étoit celle de M. le V^e de Beaumont, d'après les éloges que j'en ai entendu faire même ici. Vous avés connoissance, Monseigneur, des idées ridicules que les Anglois étoient parvenus à donner des François, avant que les Américains en eussent vû chez eux un grand nombre, qui tous y ont produit une sensation favorable. Cependant les anciennes impressions étoient si bien établies, qu' il s'est trouvé pendant longtemps des gens qui ont crû, et qu'on en trouveroit encore aujourd'hui, qui croient, que l'armée commandée par M. le C^{te} de Rochambeau avoit été une troupe d'élite, choisie express dans toute la nation pour en donner une idée avantageuse, quoique fausse aux Américains. Il me paroît également intéressant de détruire tous préjugés, qui peuvent nous être contraires, de rapprocher les deux nations et de procurer réciproquement à chacune des notions exactes et favorables l'une à l'égard de l'autre. L'apparition et le séjour des Escadres du Roi dans les ports des Etats-Unis offrent un moyen aussi simple et facile, qu'il seroit salutaire sous un autre rapport. Peut-être les affaires de ce pays-ci auront-elles pris à l'époque de l'hivernage une tournure imprévue et telle qu'il seroit particulièrement utile aux succès de nos vues, que le Roi pourroit avoir alors, qu'il se trouvat précisément dans ce moment une Escadre ici, capable de seconder, uniquement par sa présence, les démarches qu'il seroit convenable que je fisse. Ne voyant aucun inconvénient et trouvant beaucoup d'avantages au séjour d'une Escadre Française ici, je vous sou mets, Monseigneur, de juger s'il ne conviendrait pas de proposer que cet arrangement ait lieu cette année même pour le port de Newyork.

Je suis avec respect, Monseigneur,

Votre très humble et très obéissant
serviteur

LE C^{te} DE MOUSTIER.

IV. MOUSTIER TO MONTMORIN.

(Archives des Affaires Etrangères, États-Unis, 1788, Tome 33,
folios 30 ff.)

No. 3.

A NEWYORK le 12. Février. 1788

rec. le 24 mars.

Monseigneur,

Le soin, qu'a exigé ma santé dans les premiers jours, qui ont suivi mon arrivée, m'avoit fait différer la demande de l'audience du Congrès pour remettre à cette Assemblée mes

Circonstances qui retardent la première audience de M. le C^{te} de Moustier.

parti dans cet événement. D'une part mes instructions me prescrivent une conduite passive et la plus grande circonspection à cet égard, de l'autre la Constitution prend chaque jour plus de faveur et paroît devoir être adoptée par la majorité et peut-être par la généralité des Etats-Unis. J'ai cherché à me conformer également à mes instructions et à ce que les circonstances actuelles, que le Conseil du Roi n'a pas pû prévoir, semblent exiger, afin d'éviter de donner trop de consistance à l'opinion déjà fortement établie que le Roi a retiré tout son intérêt à la République Américaine, que ses succès non seulement lui sont indifférens, mais lui feroient même ombrage et qu'enfin S. M. n'a jamais eu d'autre but, que de voir ces Etats se détacher de la Grande-Bretagne sans désirer en aucune manière de les voir prospérer. M. Jay m'a parlé sur ce sujet avec beaucoup de franchise. Il prétend avoir des preuves que cette opinion est fondée, mais il a ajouté pour correctif qu'il pense que cette politique à l'égard des Etats-Unis étoit particulièrement celle de M. le C^{te} de Vergennes, contre qui il m'a témoigné la plus forte prévention. Il s'est en même tems infiniment loué, Monseigneur, des sentimens et des dispositions favorables qu'il m'a dit avoir reconnues en vous dans le tems où il a eu l'honneur de vous voir.

Si la nouvelle Constitution est adoptée, comme il paroît qu'elle ne tardera pas à l'être, et que le Congrès en vertu de sa nouvelle forme acquière un pouvoir suffisant pour donner de la solidité et de l'efficacité à ses liaisons politiques, il seroit, à ce que je crois, de la plus facheuse consequence de laisser subsister et prévaloir l'opinion que le Roi ne s'intéresse pas réellement à la prospérité des Etats-Unis. L'effet en seroit de voir donner à l'Angleterre la confiance qu'on auroit retirée à la France, de faire de la première une alliée et de regarder l'autre comme une puissance jalouse. Je désire que les expressions de mon discours auquel j'ai cependant évité de donner trop de force, puissent servir à changer cette opinion et devenir susceptibles de l'interprétation la plus convenable aux intérêts du Roi selon les circonstances futures. J'en ai puisé le sens tant dans mes lettres de créance que dans mes instructions, dans lesquelles il est expressément marqué que *S. M. attache un grand prix au maintien de son alliance avec les Etats-Unis*. Cependant c'est sur le terme d'*Alliance*, que j'ai observé, que M. Jay s'est uniquement arrêté en lisant mon discours, dont je lui ai donné confidentiellement communication avant de le faire officiellement. Il m'a paru douter que l'Alliance entre le Roi et les Etats-Unis subsistât depuis la paix, jugeant, m'a-t-il dit, que tel aussi étoit le sentiment de ma Cour et que le traité de 1778. n'avoit été considéré que comme un moyen d'assurer l'indépendance des

opinion accréditée contre l'intérêt que le Roi prend à la prospérité des Etats-Unis.

Principes que M. Jay impute à ce sujet à M. le C^{te} de Vergennes.

opinion que la nouvelle Constitution américaine ne tardera pas à être adoptée.

intérêt qu'il y auroit à détruire l'opinion que le Roi ne s'intéresse point à la prospérité des Etats-Unis.

M. le C^{te} de Moustier communique à M. Jay le discours qu'il doit prononcer à sa première audience.

M. Jay prétend être en droit de douter que l'Alliance entre le Roi et les Etats-Unis subsiste depuis la paix.

V. MOUSTIER TO MONTMORIN.

(Archives des Affaires Étrangères, États-Unis, 1788, Tome 33, folios 162 ff.)

No. 10.

A NEWYORK le 21. Avril 1788.

rec. le 25 mai

Monseigneur.

Publication de l'arrêt du Conseil et de la lettre de M^r le Contrôleur Gn^{al} relatifs au Commerce. Sensation que ces deux pièces ont faites.

L'arrêt¹ du Conseil et la Lettre de M. le Contrôleur Général, relatifs au Commerce des États-Unis avec le Royaume, m'étant parvenus, j'ai rendu ces deux pièces publiques par la voye des gazettes. Selon les informations que j'ai prises, elles ont fait ici une agréable sensation, mais moins grande à raison de l'attente où l'on était généralement sur cet arrêt, dont l'objet étoit déjà connu par la lettre de M. de Calonne à M. Jefferson. Les Américains sont d'ailleurs habitués à s'exagérer un peu leur importance et à croire qu'ils peuvent prétendre aux plus grandes faveurs de la part du Roi sans même songer à la difficulté d'offrir des avantages qui puissent entrer en compensation. En partant de ce principe ce n'est guère que parmi les gens éclairés, qui forment le plus petit nombre qu'on peut trouver soit de la reconnaissance réelle, ou du moins des démonstrations pour les services rendus aux Américains depuis leur Union avec la nation. Le plus grand nombre songe bien plus à demander encore, qu'à remercier de ce qui est accordé. Tous en général ne cessent de porter leurs vues sur une plus grande liberté de Commerce aux Antilles, où ils voudroient que les farines américaines fussent admises et d'où ils voudroient tirer directement le sucre et le café. Ce désir sera plus vivement exprimé de leur part à mesure que la surveillance des préposés aux douanes des Antilles sera plus efficace. Dans des momens on croiroit à les entendre, que tout ce qu'ils ont obtenu leur étoit dû et que tout refus d'accorder davantage est une injustice. Je ne suis point ici dans le Canton intéressé au Commerce du tabac, mais à en juger par le sentiment des Délégués du Sud, les intéressés auront encore des réclamations à faire.

désir général d'une plus grande liberté de Commerce aux Antilles. De l'admission des farines américaines dans ces Isles et de l'importation directe du sucre et du café.

Attente de nouvelles réclamations de la part des intéressés au Commerce du tabac.

nul inconvénient à ce que les Négocians François agissent avec lenteur et circonspection, l'état actuel du Commerce des deux Nations ne contribuant point du débit des manufactures françaises.

Je n'anticiperai point ici sur les observations que je me propose, Monseigneur, d'avoir l'honneur de vous soumettre sur le Commerce des États-Unis. Je reconnois de plus en plus la nécessité de ne point précipiter mon rapport. Il me paroît d'ailleurs qu'à l'égard des Négocians François, il ne peut y avoir aucun inconvénient s'ils agissent lentement et avec une grande circonspection. Quant aux Américains, tant que leurs habitudes en faveur des marchandises Angloises subsistent, la principale règle pour favoriser l'importation de leurs

¹ See references to this already given, p. 711.

observations que lui a faites le G'n'al Washington sur des questions relatives au Commerce.

“ cependant trois points qui donnent aux marchands Anglois
“ un avantage sur tous les autres :

“ 1^o, les longs crédits, qu'ils accordent et que je voudrois
“ voir abolis. 2^o, un dépôt de toutes les marchandises qu'on
“ peut désirer, concentrées dans la même ville. 3^o, une con-
“ noissance parfaite des objets manufacturés qui conviennent
“ aux Américains. La réflexion et l'expérience mettront les
“ négocians François en état de surmonter ces obstacles.”
Ces observations ont servi à me confirmer dans l'opinion
semblable où j'étois déjà sur les mêmes points.

Je suis avec respect,

Monseigneur,

Votre très humble et très obéissant serviteur,

LE C^{TE} DE MOUSTIER.

VI. MONTMORIN TO MOUSTIER.

(Archives des Affaires Étrangères, États-Unis, 1788,
Tome 33, folios 208 ff.)

NO. 1.

A VERS^{LES} le 23. Juin 1788.

M. le C^{te} de Moustier

J'ai reçu, M, les dépêches que vous m'avez fait l'honneur
de m'écrire depuis le N^o 1 jusqu'à 10 inclusivement.¹

Le Roi, M, a donné une entière approbation au discours
que vous avez tenu lors de votre première audience ; Sa M^{te}
a également approuvé le parti que vous avez pris de vous sou-
mettre au cérémonial qui vous a été proposé. Il faut con-
venir toute fois, que ce cérémonial est bien exigeant, et bien
peu analogue à celui qui est reçu dans les Etats républicains
en Europe. Aussi est-il à présumer que l'on s' occupera à le
réformer si la nouvelle Constitution est adoptée comme tout
semble l'annoncer.

Ce seroit, M, se livrer à une discussion inutile que d'ex-
aminer si le changement qu'amènera cette constitution nous
conviendra ou non, et si nous devons faire ou non des
démarches pour le prévenir. Dans l'état où semble les choses
nous devons nous en tenir au résultat, qui est : que si la
nouvelle Constitution est introduite, la confédération améri-
caine acquerra une force et une énergie qu'elle n'a pas
eues et qu'elle n'a pû avoir jusqu'à présent ; et que si
la Constitution ancienne est maintenue, la Rép. des 13.
Etats unis ne sera qu'un phantôme, le congrès qu'un être de
raison, et, comme vous l'observez, nous serons forcés de traiter
de nos intérêts avec chaque Etat en particulier. La réserve
qui vous a été prescrite sur cette matière, M, a pour base la

approbation donnée par
le Roi au discours de M.
le C^{te} de Moustier lors de
sa 1^{ère} audience, ainsi
que du parti qu'il a pris
de se soumettre au céré-
monial qui lui a été pro-
posé — réflexion sur ce
cérémonial.

sentiment sur la Con-
stitution actuelle des
Etats-Unis et sur la
nouvelle qui est près
d'être adoptée

motif de la réserve pre-
scrite à M. le C^{te} de Mou-
stier sur la nouvelle Con-
stitution.

¹ It is noteworthy that Montmorin does not refer to Moustier's scheme for the seizure of New York and Newport.

manière dont M. le C^{te} de Moustier doit s'expliquer sur la nouvelle Constitution.

Quant à la nouvelle constitution vous vous abstenrez de l'apprécier : mais vous pouvez dire que le Roi verra avec satisfaction toutes les dispositions qui seront propres à assurer et consolider l'existence politique, la tranquillité et le bonheur les Etats-Unis.

approbation des observations de M. de Moustier sur nos rapports de Commerce avec les Américains.

Vos observations, M, sur nos rapports de Commerce avec les Américains sont très justes : c'est au fabricant à se plier au goût du consommateur, et non à celui-ci à recevoir la loi du fabricant : il faut espérer que cette vérité sera sentie de plus en plus : l'administration fera ce qui dépendra d'elle pour la faire fructifier. Je vois avec plaisir, M, que vous vous êtes déjà occupé d'une matière aussi importante, et je n'en aurai pas moins à recevoir les observations qu'elle vous fournira.

mauvaise volonté de M. Jay d'où résultent les difficultés qu' éprouve la Convention relative aux Consuls.

redressement de l'erreur où est M. de Moustier que la convention auroit pu être conclue en Amérique en 1782.

raison qui prouve que la négociation relative aux Consuls a dû être discutée à Versailles.

Quant à la convention relative aux consuls,¹ elle éprouve des difficultés qui ne sont dues qu'à la mauvaise volonté de M. Jay ; et à son envie de nuire à la réputation de M. Franklin. Je crois devoir vous observer, M, que vous êtes dans l'erreur en supposant que cette même convention auroit pu être conclue en Amérique en 1782, et que le siège de la négociation étoit à Philadelphie : M. de la Luzerne n'a été chargé que de sonder la disposition des esprits, et jamais l'intention du Roi n'a été de traiter autrement que sous ses yeux. Le Congrès a beau faire des résolutions elles ne nous forceront pas la main sur la marche que nous trouvons convenable de faire tenir aux affaires. Le règlement des fonctions circulaires est d'un avantage commun ; on est convenu de le faire lors du traité d'amitié et de commerce ; il étoit naturel de le discuter à Versailles, et non en Amérique où ces sortes de matières ne sont pas encore connues. Quoiqu'il en soit, M, il est tems de terminer cette fastidieuse discussion ; et je crois que le moyen le plus simple sera de conserver la convention en déclarant de part et d'autre, qu'elle ne durera que 10. ans. Je m'en expliquerai dans ce sens avec M. Jefferson en le priant de solliciter une résolution définitive de la part de ses supérieurs. Il est autant de l'intérêt des Américains que du nôtre de prémunir notre commerce respectif contre les vexations et les abus d'autorité ; ainsi la convention dont il s'agit les intéresse autant que nous ; c'est ce que je vous prie d'observer à M. Jay ; vous lui observerez également que toutes les stipulations de la convention étant réciproques ; nous ne voyons pas en quoi elle peut blesser la dignité et l'absolue souveraineté des Etats-Unis : si cela étoit ainsi, elle blesseroit de même la souveraineté de Sa M^{te} ; et ce sentiment ne l'a nullement frappé.

moyen le plus simple de terminer la négociation relative aux Consuls

¹ For the later phases of this negotiation see *Am. Dip. Corr.*, 1783-1789, III. 288-289, 416-423, 455-507 ; I. 382 ff.

commerce, qui ne peut leur fournir que des objets de luxe, dont ils devraient se passer pour vivre avec la simplicité qui convient à un Etat naissant.

dans le cas d'une scission parmi les Etats Américains nos combinaisons avec eux resteroient les mêmes.

Dans le cas où l'un des deux Etats ci-dessus ou tous les deux se détacheroient de la Confédération générale, les combinaisons avec les Etats Américains, qui ne seroient plus les Etats-Unis seroient d'une nature différente que dans la situation actuelle, où les puissances étrangères ne reconnoissent encore qu'un seul corps représentatif de la Souveraineté générale. Celles du Roi seroient essentiellement les mêmes, car tout se réduit à acheter des Etats Américains, unis ou non, les denrées, qui peuvent convenir, et à leur fournir les marchandises, qui peuvent servir d'échange à ces denrées. Dans des tems de crise les ports Américains seroient encore plus exposés qu'ils ne le sont aujourd'hui, à appartenir au premier occupant, ainsi que j'ai eu l'honneur de vous le mander, Monseigneur, par ma dépêche N° 2. Le Ministre du Roi en Amérique seroit accrédité séparément auprès de chacun des Etats ou des confédérations particulières et éprouveroit en conséquence selon les circonstances plus de facilités ou plus de difficultés dans ses négociations. Le remboursement de la dette due au Roi seroit un objet particulier, qui tomberoit sous un nouveau rapport; mais S. M. peut dès aujourd'hui regarder tous les Etats comme solidaires et la dissolution de la Confédération ne changeroit rien au droit de S. M. J'attends toujours la décision de la crise actuelle pour rappeler aux Etats-Unis, quelque forme que prenne leur Gouvernement, la nécessité de s'occuper de ce qu'ils doivent au Roi. Il est probable que d'eux-mêmes il ne songeroient guère à cet objet intéressant. Leur impuissance est réelle mais s'ils n'étoient pas à ménager, il y auroit moyen de tirer parti de cette créance. Les Anglois sont aujourd'hui en possession des forts, qu'ils auroient dû restituer à la paix, sous prétexte que les Américains n'ont pas satisfait à l'engagement de payer leurs dettes envers les sujets de la couronne Britannique. La Reine Elizabeth avoit eu autrefois des places en dépôt dans les provinces unies pour caution des sommes que cette Reine leur avoit prêtées. Il y a sur ce Continent des ports qui seroient à la bienséance de S. M. dans de certaines conjonctures, principalement ceux de New-york et de Newport. On pourroit peut-être s'en emparer, moitié de gré, moitié de force et s'y maintenir autant que cela seroit utile aux intérêts du Roi en transigeant en conséquence sur la dette des Etats-Unis envers Sa M^{té}. C'est en partie pour faciliter cette opération que j'ai pensé qu'il seroit avantageux d'accoutumer les Etats-Unis à voir les Escadres du Roi fréquenter leurs ports régulièrement et alternativement.

en cas de scission des Etats, le Ministre du Roi seroit accrédité auprès de chacun d'eux. Facilités qui en résulteroient pour le succès de ses négociations.

Le Ministre du Roi attend la décision de la crise pour leur rappeler la nécessité de s'occuper de ce qu'ils doivent au Roi.

Moyens qu'il indique de procurer au Roi sur le continent de l'Amérique des ports qui seroient à la bienséance de S. M. et qui seroient le nantissement de sa créance.

Envoy de la réponse
de M. Jay au sujet de la
Convention relative aux
Consuls

jourd'hui en Amérique un corps réellement souverain, ou si nous étions dans le cas de traiter avec chaque Etat, qui sont tous seuls véritablement Souverains, la crainte bien ménagée pourroit produire de bons effets sur les mesures qu'ils prendroient à l'égard de la France, mais dans la situation actuelle des choses ce moyen n'agit qu'imparfaitement. Je lui attribue cependant la prompte résolution du Congrès. Je joins ici copie de la réponse que j'ai reçue de M. Jay. J'espère que les instructions envoyées à M. Jefferson sont satisfaisantes. J'imagine que ce Ministre Américain aura eu l'attention de faire observer au Congrès que l'arrêt du Conseil, qui accorde des faveurs particulières aux Américains n'est point un traité, mais un règlement d'administration, que le Roi peut révoquer ou modifier à son gré. Je crois qu'il est utile qu'ils soient pénétrés de cette vérité. Ils se sont persuadés jusqu'ici assés mal à propos, qu'on avoit un très grand intérêt à les bien traiter et qu'on ne sauroit trop leur accorder. Ils ont encore à revenir de beaucoup d'erreurs sur leur importance dans la balance politique de l'Europe. Il est facheux de reconnoître qu'ils sont très susceptibles de prétentions tandis qu'ils mettent on ne peut pas moins du leur pour engager à y avoir égard. S'il s'établit un nouveau gouvernement et que des hommes éclairés et non passionnés soient à la tête, il pourra se former un système plus juste sur les vrais rapports des puissances entre elles, des Etats-Unis avec l'Europe en général et avec la France en particulier.

Je suis avec respect.

Monseigneur,

Votre très humble et très obéissant serviteur

LE C^{TE} DE MOUSTIER.

P. S.

Accession du New-
hampshire à la nouvelle
Constitution.

On apprend dans ce moment que le Newhampshire a accédé à la nouvelle Constitution. Le Congrès peut actuellement délibérer s'il veut l'adopter aussi. Il est probable qu'il y accédera, mais sans la Virginie et le Newyork le nouveau Gouvernement existeroit plus de nom que de fait. La grande affaire consiste toujours dans le parti que ceux-ci prendront. Viendra ensuite l'exécution. Autre difficulté.

has seen most clearly into the real meaning of this pope's career. He was of the paradoxical type of character that Creighton delighted in, with an admirable *amor scribendi* which made him desire to commit to paper all that he thought and felt. Even after he was pope he kept up his pursuit of learning. "We must," he said, "give some indulgence to our mind, whose delight lies in midnight studies." The result of his incessant use of the pen is that we know intimately the story of his life. He tells of his devout feelings, which did not, however, check his early profligacies; of his taking priest's orders comparatively late in life; of the shiftings of his diplomacy, for he was one of the greatest masters of that art in Europe; of his studious and earnest old age, when he warned the young against the errors that he himself had fallen into; and of his last supreme, but vain effort to rally Europe for a crusade to drive out the Turk, just become the master of Constantinople. His career presents an almost unequalled opportunity for historical antitheses in the style of Macaulay, or for harsh censure in the style of Æneas's German biographer Voigt. Not so, however, does Creighton depict him, and his sketch shows profound knowledge of human nature. "To me Æneas Sylvius seems consistent throughout. He is a cultivated man, adapting himself gracefully to his surroundings; his opinions, both moral and religious, develop themselves spontaneously, so as to accord with the position his talents are winning for him — a position which is day by day rising higher and higher, and so making greater demands upon his better nature, and freeing him more and more from the lower requirements of self-interest" (p. 84).

The same sobriety of judgment appears in the account of the Italian bishops of Worcester. Much has been said of the scandal of this practice of appointing absentee bishops, and no doubt in the thirteenth and fourteenth centuries it was a great evil. But Creighton shows how the foreigners were sometimes appointed because of the services they could render to the king of England. Before the end of the fifteenth century the revenues of Worcester were set apart for absentee Italian bishops, because these bishops acted at the Roman court as the agents of England. It was an advantage to England that such agents should be Italians, for these would know better the ways of the papal court, and the English king kept them to their work so strictly that one of them dared not take a holiday without Henry VIII.'s consent. In the article on Wycliffe Creighton shows how strong national spirit in England was in support of the man who attacked papal interference with English independence in church matters. These were the days of the Statutes of Præmunire and of Provisors, and even the English bishops were not so intolerant of Wycliffe as might have been expected on purely theological grounds.

Mrs. Creighton has contented herself with reprinting the essays almost without comment. We are not even told the dates of their first appearance. This is a pity, as the date of a publication would sometimes explain references that are not now pertinent. For instance, Dr. Creighton hopes that more of Wycliffe's works may be published. Since the

tion but minor consideration. Were so many really killed in the Second Punic War that "few able-bodied men were left to cultivate the soil" (p. 349)? The significance of the invasions of the Cimbri and Teutones is not shown. Some pupils may be perplexed over the racial characteristics of the Germans who "had come to be the black terror of Rome" (p. 361).

The treatment of the Empire is everywhere inadequate. Christianity receives an over-prominence; and the heathen religion which it supplanted is neglected. Other elements of civilization do not receive due emphasis; this is especially true of the spread of culture in the provinces of the west. The story of the centuries after the end of the Empire is confused. Claudius was made emperor by the prætorians (p. 411). Caracalla's edict of 212 should be mentioned, and the date of the death of Theodosius should certainly be given. The Eastern Empire affected the west constantly during the middle ages, not "rarely," as the author seems to think (p. 479). The Saxons lived north and not east of Charlemagne's territory (p. 497).

The general bibliography and the reference lists at the ends of chapters should be made shorter and more discriminating. The reference lists fail constantly to give precedence to the best authorities, even considering only those cited in the lists themselves. The list of books recommended for a small library contains at least as many titles that should be avoided as titles that might be recommended. The equipment of maps is all that can be asked. The spelling of proper names in the maps and in the text should be brought into accord with some uniform system; Rome and Capreæ go oddly together (p. 216). The volume is profusely supplied with illustrations, which are, with rare exceptions, old and indistinct. It is preposterous to give full-page reproductions of restorations and modern paintings, and only very small and inferior cuts from such sources as the Hermes of Praxiteles.

A. C. TILTON.

The Principles of English Constitutional History. By LUCY DALE. (London, New York, and Bombay: Longmans, Green, and Co. 1902. Pp. xi, 509.)

IN the preface the writer says that, were it now the custom to attach long explanatory titles to modest works, this book would probably be called "The Development of English Institutions: an attempt briefly to set forth the main results of modern historical research in a form acceptable to the general reader." The work is not without conspicuous merits; but neither this title nor the actual one is entirely justified by its character. The method of treatment adopted has perforce made the result essentially a general political history of England. Green's *Short History* or Gardiner's *Student's History* might with almost equal justice be called a constitutional treatise. The whole subject is carried along chronologically reign by reign. There is little attempt to trace the evolution of institutions or great constitutional organisms over long periods. There is, for example, no sustained treatment of Parliament, either in

Henry III. It is strange that no reference to the friars should be made in connection with Earl Simon's career. Proper stress is not laid on the legislation of Edward I. But it is a distinct merit of this work that the writer is ever on the alert to appreciate the influence of economic forces in shaping the English law and constitution. A good illustration is afforded by her explanation of the rising political importance of the middle class during the wars of Edward III., their increased power being due more to their growing wealth, supplying the sinews of war, than to their military achievements with the longbow. The ninth and tenth chapters cover the period of the Puritan Revolution and the Restoration. The treatment of the age of Oliver Cromwell is disappointing. Surely the remarkable legal, administrative, and constitutional experiments of the Civil Wars and the Commonwealth were deserving of more serious attention. The eleventh chapter, on the "Aristocratic Government at Home and Abroad," covers the period from 1689 to the fall of Sir Robert Walpole in 1742. The twelfth and last chapter deals with the "Formation of Modern Conditions." In this the responsibility of George III. and his advisers for the loss of the American colonies is treated with candor and insight. After all, making due allowance for incidental shortcomings, this is a very useful and well-written volume. Its value is increased by an appendix containing extracts from the sources. It would have been still more useful had carefully selected reference lists been supplied. A glimpse of the literature of constitutional history would be more helpful to the reader than the tables of dates appended to the chapters.

GEORGE ELLIOTT HOWARD.

The Discoveries of the Norsemen in America with Special Relation to their Early Cartographical Representation. By JOSEPH FISCHER, S.J., Professor of Geography, Jesuit College, Feldkirch, Austria. Translated from the German by Basil H. Soulsby, B.A. (St. Louis: B. Herder; London: Henry Stevens, Son, and Stiles. 1903. Pp. xxiv, 130.)

THE German edition of Professor Fischer's brief monograph on the Norse discoveries appeared little more than one year ago. Its excellence as a critical survey of the more important problems in this field of historical research is a sufficient warrant for the English translation that we now have at the hands of Mr. Soulsby, of the British Museum. In the small compass of about 100 pages Professor Fischer gives us a most satisfactory review of the present status of our knowledge concerning Norse discoveries and settlements in the west, leaving no ground for confusion between the facts as they are known and the expression of his own opinion. This was the task the author set for himself: to restate the problems relating to these discoveries, "to bring forward fresh arguments in support of accepted conclusions," to give the results of his own critical studies of the early maps relating to this northern region. That he has an acquaintance with the sources which have long served students he shows every evidence, and he gives due credit throughout to the re-

number of diocesans at Gardar as 10,000 he reduces to 5,000 on what is clearly a correct computation of the crusade penny of 1327.

Although the chief occupations of the people were fishing, hunting, and cattle breeding, the love of adventure by land and by sea was fostered. "The discoveries made by the Norsemen in the eleventh, twelfth, and thirteenth centuries rendered it possible for them to draw a map of America, that is Greenland, long before the time of Columbus, and a map so accurate that a cartographer to whom Nordenskiöld showed a copy stoutly maintained it to be a forgery of the nineteenth century." Greenland's civilization in the fourteenth century was in no wise inferior to that of Iceland. The Zeno record, which would make it of a higher order, he dismisses because of the thoroughly unreliable character of the account "compiled from widely different sources."

Chapter IV. deals with "The Fate of the Norse Colony in America." The so-called "unimpeachable evidence" of the colonization of Wineland by the Norsemen he considers to be "no evidence." The cross-worship is no proof that Christianity was introduced into America before the time of Columbus, since the cross is also found in other parts of the world as a sacred symbol. Wineland's history ends with the ill-fated mission of Eric the Red in the year 1121, and all arguments brought forward in support of a permanent colonization of Wineland by the Norsemen have proved to be untenable. Concerning the fate of the Greenland colonies we are better informed. Their decay was gradual, not so dramatic as Jelic and his followers would have it appear. For the situation in Greenland in the fifteenth century, in which time contact with Europe was interrupted and evil days had come upon the colonies, the papal brief of Alexander VI., recently come to light, gives to us the latest and most reliable information.

It is in the fifth and last chapter, on "The Conception and Representation of the Discoveries of the Norsemen in America," that Professor Fischer makes the most valuable and interesting contribution to the subject. The cartographical representations, he thinks, have but recently received a proper consideration. He discusses the rise of the insular and peninsular theories concerning Greenland, and the representation of the northern region on the earliest maps and those of later date.

The Claudius Clavus map, which is the first of the Northland added to the list of Ptolemy maps, is not of Scandinavian-Byzantine origin as Nordenskiöld would have us believe, but rather of Scandinavian-Italian, showing unmistakable evidence of the influence of the Portolano. In short, Italy was the country where first arose the practice of giving as supplements to the Ptolemy manuscripts, and later to the printed editions, the "*Tabulæ modernæ extra Ptolemæum*."

His study of the work of Donnus Nicolaus Germanus (not Nicolaus Donis as Trithemius has it) is all too brief, and yet sufficient to direct attention to the great significance of this geographer. Donnus Nicolaus was a cartographer whose history is little known, though Fischer adds here, as he has done elsewhere, to our knowledge of him. It is certain

endeavored to include also a fuller account of the literature of the subject, the allusions made of this nature being tantalizingly few. It is true this method would have much enlarged the volumes, but it would also have much enhanced their value to the scholar ; and some space might have been saved by the use of smaller type in explaining titles.

A most excellent feature of the work is the brief and synthetic historical summary which is prefixed to certain of the chapters, though the characterization of the story of the fourth crusade as "cette lamentable et ridicule histoire" (p. 27) has the grimness of William the Conqueror's famous comment upon the prowess of the abbot of Hyde Abbey. American scholarship is given signal recognition, of course, in the chapter of sources and authorities upon the Inquisition, Mr. Henry Charles Lea's three volumes being declared to be a work "de premier ordre, le seul à consulter aujourd'hui" (p. 70). But why not mention the appendixes of original documents, which fill fifty printed pages?

There are a few notable omissions : In item 2237 Miss Norgate's article upon the trial of King John, printed in the fourteenth volume of the *Transactions of the Royal Historical Society*, is omitted from the literature of the subject, an important omission, for Miss Norgate joins issue with French scholars as to the probability of John's trial in 1202. The letters of Stephen, bishop of Tournai (*Scriptores*, XIX. 282-306), which throw considerable light on Philip Augustus's early years, do not appear among the sources of the reign. The paragraph on pp. 39-40 upon the literature of the Fourth Crusade ought to include Streit, *Venedig und die Wendung des vierten Kreuzzuges gegen Constantinopel*; Winkelman, *Philip von Schwaben und Otto IV.*, in the *Jahrbücher*; Heyd, *Levanthandel*; and even Pears's *Fall of Constantinople*. In the long chapter devoted to the reign of St. Louis one fails to find among the *documents administratifs* Etienne Boileau's *Règlements sur les Arts et Métiers de Paris*, compiled under the direction of the provost of Paris. *The Letters of Henry III.* (Rolls Series) is missing also from the *sources étrangères*. Parenthetically, it may be said at this point that the Rolls Series and the *Calendar of State Papers* are more than once confused, e. g., Nos. 2883, 2884, 3056. In Chapter LIII., that upon Charles of Anjou, Professor Richard Sternfeld's writings fail of mention unless he be included in the statement made of Cadier's *Royaume de Sicile sous Charles d'Anjou*, that "on y trouvera la bibliographie complète du sujet," which seems an unjust discrimination, since Sternfeld is pioneer and peer in the Angevin field. Finally, Rishanger's *Gesta Edwardi* (1297-1307) and the three fragments of *Annales Regis Edwardi Primi* attributed to him fail to appear among the *chroniques anglaises* bearing upon the rule of Philip IV.; and what is more surprising, no reference is made to the discussion of the bull *Unam Sanctam* and its origin, to be found in the *Revue des Questions Historiques* for 1879 (Vol. XXVI.).

JAMES WESTFALL THOMPSON.

constitutes the subject of nine out of the twelve chapters. It is in the discussion of these topics that the student of history is chiefly interested. The theory, however plausible, can be of value only in so far as it is based on the facts of history. Unfortunately these historical chapters are on the whole disappointing. The theory is so uppermost in the mind of the author that history is frequently misinterpreted to bear it out. How can we otherwise account for the extraordinary idea that England's policy in the Hundred Years' War was prompted by the interests of European liberty against the dangers of French ambition for ascendancy on the continent (p. 21); or how explain the use made of the strife for "another half-century and more . . . for a Calais which England would not yield" (p. 84)? The wars of England against Holland in the seventeenth century are not usually looked upon as wars in the interest of European liberty.

Errors are not infrequent. The marriage of Ferdinand and Isabella in 1479 (p. 94); Cardinal Beaufort, half-brother of Henry VI. (p. 88); the race that had driven out the Cæsars (p. 126); the motives of Henry VIII. for the divorce from Catherine (p. 100) serve as illustrations. The sense of proportion is poor. Nearly four pages on Solyman the Magnificent (pp. 102-105) and a remarkable paragraph on Selim I. as a poet (p. 102) are scarcely warranted at the expense of only incidental mention of the Armada. Closely associated with the tendency to introduce irrelevant matter is the inordinate use of figurative language. The frequent figures of speech, though sometimes very happy, are more frequently superfluous and often comical. On page 48 we find the "Normans, seated on the Channel"; a little further on, "Louis XIV. . . . sent a shock of pain along every nerve of the English people"; and after the Congress of Vienna "England turned her face from that embittered continent, sheathed her red victorious weapon, shook out her white untarnished canvas, and stood to sea."

The volume contains much that is valuable and suggestive, but the theory dominates the facts, and even the most patriotic Englishman will be surprised to find how absolutely immaculate and devoid of all selfish designs has been his country's international policy.

Studies in the History of Educational Opinion from the Renaissance.

By S. S. LAURIE, A.M., LL.D., Professor of the Institutes and History of Education, University of Edinburgh. (New York: The Macmillan Company; Cambridge: At the University Press. 1903. Pp. vii, 261.)

THE author had in view in the preparation of this work "the education of those who mean to devote their lives to education" (preface, vi). Of the sixteen chapters which the book contains, the first three are devoted to the educational bearings of the great Renaissance, with especial reference to Vittorino da Feltre, Trotzendorf, Sturm, and Neander; the fourth offers a brief survey of the beginnings of humanism in the universities, with an interesting reference to George Buchanan; the three

Histoire de France depuis les Origines jusqu'à la Révolution. (Publiée sous la Direction de M. Ernest Lavisse.) Tome quatrième, II. Charles VII., Louis XI., et les Premières Années de Charles VIII. (1422-1492). Par CH. PETIT-DUTAILLIS. (Paris: Hachette et Cie. 1902. Pp. 456.)

THIS volume forms the second part of the fourth volume of the history of France being published under the editorship of M. Lavisse, and closes the period of the middle ages. M. Ch. Petit-Dutaillis has maintained the high standard set in the preceding volumes (see *THE AMERICAN HISTORICAL REVIEW*, VII. 177). The period treated is one of the most attractive and important in the history of medieval France, embracing as it does such episodes as the expulsion of the English from France, the destruction of Burgundy as a rival power, and the reconstruction of France by Louis XI. Two hundred pages are devoted to the treatment of "La Société et la Monarchie à la Fin de la Guerre de Cent Ans." This is in keeping with the plan of the entire work, which aims to be a history of the development of French society as a whole. In the presentation of the subject-matter, the careful maintenance of proportion, the avoidance of unsound generalizations, the skill with which the reader is kept *en rapport* with the quantity and quality of the evidence upon which the narrative rests, the introduction of local color, heightened at times by the use of the quaint language of contemporaries, the artistic portraiture (Joan of Arc, Charles VII., Louis XI.), and the fair scientific spirit that seems to animate it, all appeal to the student of history in an irresistible manner. Whether the work will be as acceptable to the general public remains to be seen. It ought to have a great educational value in France.

For a volume of this general character, the bibliography is very full. Not only are the source collections and the best monographs cited, but the articles in reviews and even unpublished works of value and volumes now in the press are utilized by the author and find their place in the bibliographies. The work will be very helpful to those who wish to become oriented. It is a pity that the excellent study by M. Petit-Dutaillis on the sources of French history in the fourteenth and fifteenth centuries (*Revue de Synthèse Historique*, IV. No. 1) could not have been reprinted as a part of this volume.

One naturally asks what is found in this volume that is not found in Michelet, the only one of the old histories "still worthy of being read." Michelet's sixth volume, closing with the death of Louis XI., appeared in 1843. Since that time the history of this period has been entirely renewed. Fifty years ago it was but poorly known, but since that time, especially in the past twenty years, it has engaged the attention of an unusually large number of investigators. As a result, there is "not a single one of the aspects of this tumultuous epoch that has not been profoundly modified, and numbers of historical problems have arisen that had not even been proposed before." A rapid glance over the bibliographies in the book reveals the fact that the great majority of the secondary works were pub-

Such a book evidently has its self-imposed limitations, some of which may fairly be considered defects, even in a brief and readable life. There is, for example, no description of the municipal government of Zürich. The references to its councils should have been accompanied with at least a single sentence explaining their composition and functions. The characterization of the "members of the Great Council" (p. 129) as "the people's representatives" certainly needs qualification for the general reader, who would hardly think of it as a body composed of delegates of the guilds, and with disproportionate representation of the guild of the nobles and rich men. Zürich was hardly a democracy in the modern sense; and Zwingli in his preface to his translation of Isaiah expressed a preference for aristocracy, rather than democracy or monarchy. Even in a life of 297 pages, there should have been found room for some brief exposition of Zwingli's pregnant idea of the church as the *Gemeinde* or *concio*, so clearly brought out by Ranke; some general characterization of Zwingli's work and thought; and some description of the system of church services and education after the introduction of the reform.

Some condensation in translation is unavoidable in such a brief readable book but it should not misrepresent, nor omit in brief selections which are apparently complete quotations. In three brief sentences of a dozen lines the space saved does not warrant, in a quotation otherwise complete, the failure to translate in the phrase "a poem of Erasmus" (p. 38) the adjectives "*trostlich*" and "*hochgeleerten*," two words which so aptly characterize Zwingli's tender heart and his judgment of Erasmus. "Yet they think it no crime at all to sell human flesh to the foreigner" (p. 99) certainly leaves something to be desired in point of accuracy and vigor as a translation of "*aber menschenfleisch verkoufen und ze tod schlagen halt er nit für ein grosse sünd*"—the picturesque words of the chaplain of Glams, who had witnessed two campaigns and the slaughter of a quarter of the Swiss army at Marignano. A more serious criticism must be passed on the misleading account of the discussion of January 29, 1523, at Zürich (pp. 123-124). Dr. Simpson makes Faber, Zwingli's opponent, speak but once, "and with some confusion." After referring in the succeeding sentence to the repeated challenge of Zwingli, the author proceeds: "An awkward pause followed this speech. As no one seemed ready to reply, the burgomaster adjourned the meeting until the afternoon." He mentions no discussion at all in the afternoon session, and throughout would certainly give the impression that there was no debate. As a matter of fact, the discussion, which took up the forenoon and some time after the announcement of the decision in the afternoon, was vigorous and lengthy enough to fill twenty-six of the good-sized pages in the standard edition of Zwingli's *Werke* (Vol. I., 117-143). The very reference to the *Werke* given by the author quotes a score of replies by Faber and the brief remarks of at least eight other participants.

The half-dozen misprints noted are not important, save the failure to indicate in the foot-notes the two parts of Vol. II. of Zwingli's *Werke* (p. 65 should read I., Part 1, p. 7; p. 141, II., Part 2, p. 232; p. 239,

essentially a confession of the failure of the first. Mr. Mathieson regards it as now generally admitted that the Reformation was primarily a moral, not an intellectual movement. It is to be viewed, therefore, "as a reaction against the premature liberalism which in Italy had paganized the Church, and in every country had aggravated the corruption of manners by discrediting without replacing the ancient faith." But the reformers did no more than substitute one authority for another, that of the Scripture for that of the church. They recognized, indeed, the right of private judgment, but this right was asserted "not as essential to the Christian life, but as an extraordinary expedient designed to meet a special emergency." And so the ancient religion having been cast out of the Scottish nation and its house swept and garnished, there entered in Knox and Melville, Maxwell, Wedderburn, and Sydserf. It was not until these had done their worst or their best, not until the systems of Knox and of Laud respectively had been tried and failed that the work of the Renaissance could proceed. After the battle of Worcester national feeling in Scotland triumphed over religious strife, in harmony with the change which throughout western Europe was marked by the peace of Westphalia. "The spirit of the Renaissance, which had been temporarily driven back, first by the Reformation and then by the Counter-Reformation, was now to triumph over both ; and nations as such, no longer overshadowed by supernatural terrors, were to come forth enjoying and to enjoy, into the broad sunlight of a world older and wider than any Christian creed. Striving to make room within its borders for loyalty and for patriotism as well as for religion, Scottish Presbytery in 1651 was unconsciously adapting itself to these new conditions." This attitude toward the Reformation Mr. Mathieson neatly illustrates by a comparison of the movement with the French Revolution. The reformers, like the French politicians of the later age, were men without training in politics, doctrinaires, servilely attached in the one case to the Bible, in the other to certain abstract ideas. "Whatever may have been the relative merits of the law of Moses and the philosophy of Rousseau, the supporters of both systems were equally inflexible in their efforts to translate theory into the language of fact."

One takes in general from this really valuable book an impression of reflective discrimination and sound judgment. The poise and security at which, by such processes, the author has arrived have permitted him to give free play to a graceful and brilliant style and to a certain demurely trenchant wit. His portraits are remarkable, for example the treatment and contrast of Knox and Maitland, the Hebraist and the humanist (I. 113, 117), the parallel between Maitland and Montrose (II. 36-38, 119), and the sketches of Melville (I. 219) and Spottiswoode (I. 332).

The faces, the dress, the apparatus of the daily life of these and other notable Scots are illustrated in the handsome volume called *Scottish History and Life*. This is specifically the publication (as the archæologists use the word) of the historical loan collection in the Glas-

But if the period from the death of Cardinal Beaton to that of James VI. is short in time, it is in character so interesting and so critical as to justify, even in a general history, such fullness of treatment. The ground has been traversed so often that one turns naturally to a new writer's interpretation of the complex of facts and guesses that constitutes the history of the Scottish Reformation rather than to his disposition or readjustment of the material. Mr. Lang resolves the problem into three great factors, namely, the indiscipline and cupidity of the lords; the theocratic ambition of the kirk, convinced of its own infallibility and continuing inspiration; and the *intransigence* of the Stuarts, equally convinced of their divine right to govern absolutely. The lords, whatever their personal iniquities (black enough in all conscience), were as a class aiming at a definite political ideal, the perpetuation of that feudal state which had existed in Scotland throughout the middle ages. The kirk manifestly was striving to set up a theocracy, and the Stuarts a more or less absolute monarchy. The shock and attrition of these incompatible systems are characteristic of medieval rather than of modern history, but there, naturally, the strife of competing creeds and the acute *odium theologicum* characteristic of such a competition were wanting. Here, then, may be found one of the distinctive notes of the Scottish Reformation, a retarded national development overtaken by a grave religious problem.

The part played by the lords is sufficiently repulsive whether it be judged from the point of view of patriotism or of personal loyalty. Mr. Lang thinks that few if any of them were moved, in spite of their copious professions, by considerations of religion or conscience (pp. 377, 402, 525). What they sought was "the right to commit high treason with impunity." On the score of patriotism something might be said for Lethington, a statesman who, however dark his methods, still worked for the reasonable solution promised by the union of the two crowns. But Lethington, as Mr. Lang has shown, was concerned in the murder of Darnley, and what for him was worse, the Queen whom he betrayed had proof "in black and white" of his complicity.

The boundless claims of the kirk are well set forth by Mr. Lang. The minister, according to the Book of Common Order having prayed for "the assistance of God's Holy Spirit," was to preach "as the same shall move his heart" (p. 80). He became "a reed through which the Lord spoke" (p. 475). The impossibility of harmonizing with a monarchical state a church so directed is well illustrated in James's discussion with Mr. Bruce, an Edinburgh preacher, in regard to the King's part in the Gowrie business (p. 470). Bruce professed himself convinced of the King's innocence, but he would not promise to say so in the pulpit except "as I shall find myself to be moved by God's Spirit." It is Becket over again consenting to the Constitutions *salvo ordine suo*. England had long before found a solution for that problem. Mr. Lang returns to this point repeatedly with frequent and apt illustration.

The Stuarts, indeed, for all their faults, were proper subjects for tragedy. Charged with the belated problem of vindicating the royal

an excellent passage on the death of Knox (p. 247) Mr. Lang writes, "he was the greatest force working in the direction of resistance to constituted authority—itself then usually corrupt, but sometimes better than anarchy tempered by political sermons."

This is of a piece with the prevailing tendency of the book to emphasize the seamy side of the Reformation. On the whole, Mr. Lang believes that morally the movement was a failure. Those who take the traditional view of the Reformation, he writes, boast that it raised the moral tone of the country; "to do this was the object of the Presbyterian clergy, but their own manifestoes constantly bear testimony to their failure." To this it might fairly be objected that since the Presbyterian clergy set up a new standard for the conduct of life, the evidence of their manifestoes that the country was not yet conforming to that new standard does not prove that its moral tone had not been raised. This and similar passages (pp. 402, 525) sufficiently illustrate the *Tendenz* of the work, which serves to supplement and correct Professor Hume Brown's second volume.

With regard to Mary Stuart Mr. Lang has already spoken in detail in a separate study. Here he tells the poignant story with spirit and discretion, and his final judgment may be recorded: "On almost every individual fact a fight may be made for the Queen," but "the whole series of events" begins to be conclusive against her. The truth will probably not emerge and men will continue, on Newman's theory of the sum of probabilities, to account Mary guiltless or with Mr. Lang to believe her "blameless but not innocent."

The vexed question of King James's share in the Gowrie mystery may be mentioned in passing, for here, too, Mr. Lang's studies have overflowed into a separate volume. He believes that the affair was no mystery at all, but simply an unsuccessful attempt of the Ruthvens to kidnap the King. But this view has not passed unchallenged.¹

The present volume is on the whole a much better piece of work than its predecessor. For one thing, the authorities on which it rests are more abundant than in the earlier period and require a treatment which Mr. Lang is well fitted to give them. But in addition to the neglect of constitutional considerations already noted, two serious defects should be pointed out. In the first place, the work does not rest on any solid foundation of economic study, the interpretation of events is almost uniformly political or personal. Without wishing *infandum renovare dolorem* or ranging oneself as a disciple of Professor Lamprecht, one may still desire to see a greater importance given to economic considerations than Mr. Lang has judged appropriate. In the second place, one feels that in the largely literary problem of making the tangled and obscure transactions that fill the period of James's minority assume unity and form Mr. Lang has failed of an adequate solution. At times he becomes a mere annalist, and that too in a style that is little

¹ See the *Athenaeum*, Nos. 3919, 3921, 3922, 3924, 3925.

has scrutinized originals, he has no excuse for reproducing the letters in such mutilated form.

It is from Hill Burton, and not from Calderwood or from the publications of the Bannatyne Club, that Mr. Cowan copies the conferences between James and the Reverend Robert Bruce, whom, although he was neither at Falkland nor at Perth, our author is pleased to dub (p. 148) "an eye-witness of the whole circumstances." One example suffices:

Burton: "'Think ye,' says the king, 'that Mr. David doubted of my report?' David was sent for incontinent."

Cowan: "'Think ye,' says the King, 'that Mr. David doubted my report?' 'No, David was sent from the Continent'" (p. 142).

Our author devotes eighty pages to the reproduction of four narratives read before the Perth Antiquarian Society in 1785. He commends them and accepts their conclusions. They are full of conjectural and provably incorrect statements, but have received no editing and are occasionally cited as primary authorities. In connection with James Logan's account of the Reverend Mr. Cowper's conversation with Gowrie, Mr. Cowan commits his most remarkable blunder. Logan, after repeating Gowrie's remark, as quoted by Cowper, to the effect that a conspirator against a prince "should not confide the secret to anyone," adds appositively "— a prudent remark . . . very consistent with the counterpart of the tragedy in which, so far from adhering to secrecy, he is represented as actually in correspondence until 31st July with Sir Robert Logan" [of Restalrig]. Mr. Cowan argues as follows: "In connection with the Logan Letters it is important to notice the statement (*sic*) made by Coupar in James Logan's paper. We would infer that Coupar was aware of the existence of these forged letters or he would not refer to the correspondence with Robert Logan up to 31st July. Whether Coupar was an accomplice with Sprot in this forgery is another question: all we can say is that his tale as reproduced by James Logan places him in a very compromising position."— This is astounding.

It is difficult to say which should be more severely condemned — Mr. Cowan's choice of material or his method of treatment. He never cites or uses a primary authority where a secondary is available. He produces little or nothing which is new; and it is hardly too much to say that wherever he is original, he is wrong. It is not important to state it — but Mr. Cowan believes in the guilt of the King.

OLIVER H. RICHARDSON.

The Reign of Queen Anne. By JUSTIN MCCARTHY. (New York and London: Harper and Brothers. 1902. Two vols., pp. v, 386; iv, 370.)

THE appearance of a history of the reign of Queen Anne by Justin McCarthy will doubtless waken pleasurable anticipations in various sections of the reading world. A lifetime spent in letters and politics would certainly seem the best of all possible methods of preparation for unraveling the bril-

suggestion in this work, for which, as well as for the interpretation of the present by the past in which he continually indulges, we have to thank him.

The Young Pretender. By CHARLES SANFORD TERRY. (London: Methuen and Company. 1903. Pp. xvi, 222.)

THE author of this charming contribution to the "Little Biographies" series comes to his task fresh from his special studies in the Stuart records. In rapid sequence have recently appeared his *Rising of the '45* (1900); the *Chevalier de St. George* (1901); and the edition of the *Albemarle Papers* (1902). It is not surprising that he has produced a book which will prove a safe and fascinating guide to the lay reader. Each of the six chapters is crammed with facts; yet the mass of details is so marshalled that one's interest in the narrative never flags.

The seventeenth century Stuarts did not escape the traditional *fatalité* of their race; and the "same aloofness from their time and people which wrecked" them "doomed both the Old and Young *Prétendants* to failure." James III. was in his fourteenth year in 1701 when his father died. He was the victim of paternal discipline. In 1696 James II. drew up twenty-six *Rules for the family of our dearest son, the Prince of Wales*. The fourteenth may serve as a sample: "None must be permitted to whisper or run into corners with the Prince, wher the Governor, etc., may not hear and see what they do and say; and he shall receive directions from Us, what children are fitt to play with our son or to go in coach with him." "One discerns already," remarks the author, "the 'Old Mr. Melancholy' of later days in this rigid regulation of his mirthless youth." According to his father's admonition he never forgot his debt to Louis nor "that God and religion are above all earthly interests." James III. "saved his soul alive," but his worldly prospects fed the altar of sacrifice. Like David of Scotland, he "was a 'sair saint' to his phantom crown. He was 'dévot à l'excès,' as De Broses remarked." Indeed, throughout his career he was somber, pious, and inept, but withal amiable, conscientious, and grateful to his benefactors.

Very different from his father in character was Prince Charles, the Young Pretender. In his youth, says the author, he was high-spirited, "rash, and impetuous to a fault"; later a "man broken by despair and irksome inactivity, an *homme sauvage*, addicted to the 'nasty bottle,' ill-treating his mistress, a brute to his wife, and generally his own worst enemy." His character seems a compromise between that of the Merry Monarch, Charles II., and that of Prince Rupert the cavalry leader, tempered by his heritage through his mother, the Princess Clementina Maria Sobieska, granddaughter of the famous John of Poland. To the first twenty-five years of the Prince's life (1720-1745) Mr. Terry devotes his second chapter. The chief interest of his narrative centers, however, in the next two chapters, in which the desperate venture of 1745-1746 is most realistically described. During this period Charles shows himself

the favorite, but he repeats the tradition as to the conduct of Frederick II., though this has long been exploded. At page 281 he says that Baron von Knyphausen, the Prussian minister, received express orders from his master to abstain from visiting the favorite, and as authority for the statement he cites Stanhope's *History of England*. Stanhope would not make the assertion if he were now writing. The correspondence of Frederick has been published and fills many printed volumes. Any one willing to take the pains of consulting them will find numerous letters in which the King bids his ministers do all they can to obtain the good-will of Madame de Pompadour. It is strange that this tradition should have been accepted by any one, even before Frederick's letters had been made public; such a belief illustrates the extraordinary facility with which many accept an unlikely story on untrustworthy evidence. Of all the monarchs of his day, Frederick was the one least likely to injure his political prospects in order to show his disapproval of the morality of those with whom he had to deal, nor was there any one in Europe who viewed such matters with more indifference. Indeed, to forbid his representatives' paying their regards to a person possessing Madame de Pompadour's influence would not have manifested any elevated morality in the monarch; he would merely have been making a fool of himself. The most sagacious of European rulers was sure not to commit errors of that sort.

There is no doubt, indeed, that Frederick offended Madame de Pompadour and Louis XV. by the freedom with which he spoke of them in his private conversation. Sagacious as he was, he could not resist the temptation of ridiculing those of whom he had a poor opinion, and he had a poor opinion of everyone.

But Mr. Williams has given a fair account of his heroine and of the times in which she lived. He has made Madame de Pompadour neither better nor worse than she was; he has not exaggerated her influence on French politics nor the evils which flowed from it. He has called attention also to the unusual difficulties she had to meet at the French court, not because she was immoral, but because she was a *bourgeoise*, and, as Broglie truly said, the nobility felt that when the King chose a mistress who was not one of their class, he was infringing on their privileges.

In closing Mr. Williams cites Madame de Pompadour's career as proof that when a woman meddles with public affairs her influence is sure to be mischievous. His conclusion would not be accepted by the advocates of political rights for women, yet, so far as French history is concerned, no one can dispute its general correctness. Madame de Pompadour was the last of a long series of women who took an active part in politics under the old régime. She did most harm because she had most power, but few of her predecessors showed any larger degree of political wisdom.

JAMES BRECK PERKINS.

answered by the expert in the composing-room. But these are difficulties that future editions can modify, and it is to be hoped that a single-volume edition will sometime allow the readers to see the work in its most effective form.

In the matter of general perspective and proportion President Wilson has shown good judgment. He has skilfully and pleasingly woven together the difficult and isolated pieces of seventeenth century colonial history in a single volume. To the eighteenth century and the Revolution another volume is given. Here one finds a lack of attention to the important facts of economic and political significance that were so powerful in shaping the sections during that period, in preparing the way for American political parties and institutions, in shaping the conditions that affected the Revolution, and in creating the forces that expressed themselves in American expansion. But this is the period that has suffered at the hands of all of our historians. The French and Indian wars and the Revolution itself are so picturesque that they obscure the other facts of this important era of Americanization. A third volume carries the narrative from the treaty of peace to the election of Jackson,—by grace of over-heroic compression. In the fourth, President Wilson reaches the period with which he had before skilfully dealt in his little text-book, *Division and Reunion*, and carries the history on to the close of the Civil War. The fifth volume spans the years between Reconstruction and the close of the Spanish War. Whatever criticisms may be offered, it is impossible to find in similar compass or by another single author so sustained and vital a view of the whole first cycle of American history that rounded itself out with the nation's completion of the conquest of the west, and its step overseas into colonial empire.

Aside from matters of judgment the author has not fallen into more errors of fact than are common to first editions. The statements (III. 242) that the minimum provision of the tariff of 1816 applied to woollens as well as to cottons; that Jackson's declaration of opposition to the bank was made in his inaugural address (IV. 19, 43); that George Rogers Clark consulted Madison (Mason), and that he marched across the frozen *forests* from Kaskaskia (II. 293, 296) are typical of some actual errors. It is certainly a mistake to say that there is no doubt that Texas was a part of the Louisiana purchase, as recent students of Spanish claims to the region have shown. Willing's force did no such execution as the author credits it with on the lower Mississippi in the Revolution (II. 297). One doubts the accuracy of attributing pioneer settlement to Kentucky as early as 1730 (II. 61), and that Englishmen were building huts beyond the Alleghanies "as men who mean to stay," before the close of the seventeenth century (II. 9). The references to Cumberland Gap in connection with the national road, and the photograph of Cumberland Gap near Wheeling (III. 202, 241) will certainly confuse the reader in locating the celebrated gateway of the pioneers to Kentucky. Not all the members of Monroe's cabinet were shocked at Jackson's exploits in Florida (III. 258). Monroe's attitude toward internal improvements at

as at Princeton, has acquired a catholicity of view that is certainly worthy of mention. Although one gathers the author's friendliness for Mr. Cleveland's type of Democracy in his last volume, even here he is moderate and careful in his judgments.

FREDERICK J. TURNER.

A History of the United States. By CHARLES KENDALL ADAMS and WILLIAM P. TRENT. (Boston: Allyn and Bacon. 1903. Pp. xxiii, 590.)

THE last literary work of the late President Adams was a school history of the United States. In this undertaking he was associated with Professor Trent of Columbia University. The book has been five years in the making, and the manuscript was finished and about half the proof corrected at the time of President Adams's death. Three principal objects in writing it are set forth in the preface:

"First, to present fully and with fairness the Southern point of view in the great controversies that long threatened to divide the Union. Second, to treat the Revolutionary war, and the causes that led to it, impartially and with more regard for British contentions than has been usual among American writers. Third, to emphasize the importance of the West in the growth and development of the United States."

The growth and influence of the West are as fully and adequately treated as space would admit. The point of view of the South may be said to be partially stated, and the text is supplemented by references to Southern books, which, however, are not likely to be called into requisition. But it can scarcely be said that the British point of view during the Revolution has been stated at all. Barring a single paragraph on the theory of representation, the treatment of the American Revolution is the traditional one. The reference to the Navigation Laws is inaccurate and inadequate. The King is held to have been alone responsible for the loss of the American colonies. It is not explained that the proceeds of the stamp tax were to be expended in the colonies and were not expected to meet more than a third of the expense of the colonial establishment. There is no comment upon the revolutionary character of the "tea-party." The account of the Transportation Act confuses different things and perpetuates an old misconception. It should be stated that the only persons to be removed for trial were those accused of crime on account of acts performed in the discharge of their official duty, a provision not materially different from the one in the statutes of the United States, which was enforced in the *Neagle* case. It cannot therefore be said that the special purposes of the book have been wholly attained.

The text is intended to meet the requirements of the high-school course suggested by the Committee of Seven and already very widely adopted. What may best be done in this course is still a matter of experiment. The present book follows closely the lines of the grade texts. The colonies are treated briefly and the campaigns of the Revolution and

represented on contemporary maps. The act organizing Nevada Territory provided that the western boundary should follow the mountains in case California should consent, but California never consented. When the attention of a well-known author was called not long ago to the inaccuracy of the maps in one of his books, he replied that he had nothing to do with the maps and that the publishers alone were responsible for them. Whether it is the publishers who are responsible for the maps in the school histories does not appear.

F. H. HODDER.

A History of American Political Theories. By CHARLES EDWARD MERRIAM, Ph.D. (New York: The Macmillan Company; London: Macmillan and Company. 1903. Pp. xv, 364.)

DR. MERRIAM is already known to those interested in the history of political theories by his doctoral dissertation, *A History of the Theory of Sovereignty since Rousseau*, and by magazine articles dealing respectively with the political views of Jefferson, Calhoun, and Paine. In the present work he has essayed to trace the course of political speculations in this country from early colonial times to the present day. He has given us, however, a sketch rather than a comprehensive history; indeed, to have done more within the limited number of pages occupied would have been impossible. Judged, then, from this standpoint, the work is excellent, and our criticisms of it will be found to be almost wholly based upon acts of omission and not upon those of commission. The language is clear and concise, though there are a number of unnecessary repetitions, the arrangement is logical, continuity in the various lines of development is sufficiently shown, and, most important of all, the direct relation of the theories to contemporaneous objective political conditions is made manifest.

The work begins with a chapter entitled "The Political Theory of the Colonial Period." This broad title, however, is hardly justified, for except for four pages given to the Quakers and an equal number to an account of the rise of democratic sentiments among the colonists, the discussion is limited to the political theories of the New England Puritans. A bare reference to the aristocratic utterances of Governor Spotswood of Virginia is all that is furnished us regarding the characteristic views of the Southern colonists. Furthermore, we are given no account of the political theories involved in the discussions as to the extent to which and the manner in which the English common law became a part of the private law of the colonies. In the account of the political theories of the Revolutionary period, which is the topic next taken up, an excellent exposition of the then current principles of natural laws and constitutional rights is presented, the gradual emphasizing of the former at the expense of the latter being well brought out. The theories of the Loyalists are, however, hardly adequately treated, Boucher being the only writer of that party who is even mentioned by name. Dr. Merriam cor-

especially in the earlier decisions, are a mine of information not simply upon technical points of constitutional jurisprudence, but upon current political theories in general. Starting without a body of precedents to guide them, the eminent justices of this court were forced to go back to fundamental principles of political right for a solution of such questions as the nature of law, of sovereignty, of natural rights, of written constitutions, of citizenship, of international rights and responsibilities, of the distinction between executive, legislative, and judicial powers, and, finally, of the nature of the Union itself. Chief Justice Marshall in particular, as we well know, based all of his great decisions upon general political reasoning rather than upon legal precedents. The only reference made by Dr. Merriam to this great body of judicial opinion is the statement that it was permeated with the idea of a division of sovereign powers between the states and the Union.

Summing up, then, our opinion of the work, we repeat that its brevity, necessitating as it has omissions and inadequacies of treatment, is its one defect. What Dr. Merriam has given us is excellent, and leads us to express the hope that we are to continue to receive from him contributions in this field of political philosophy, which he has apparently selected for special study.

W. W. WILLOUGHBY.

A History of Agriculture and Prices in England. By JAMES E. THOROLD ROGERS. Vol. VII., 1703-1793. Edited by Arthur G. L. Rogers. (New York: Henry Frowde; Oxford: The Clarendon Press. 1902. Two parts, pp. xv, 599; xv, 600-966.)

THE first two volumes of the *History of Agriculture and Prices* appeared in 1866. Sixteen years were occupied in the preparation of Volumes III. and IV., covering a large part of the crucial period in the history of prices (1401-1582). In his preface of 1882 Thorold Rogers declared that the portion of his work which remained was "on the whole, the clearest and easiest." Some justification for this optimistic view was afforded by the relatively speedy appearance, five years later, of Volumes V. and VI., one of the twin volumes, according to Rogers's usual practice, giving the statistical results and the commentary, while the other presented in serried columns the classified price entries which formed the basis of the work. This publication of 1887 brought the inquiry down to 1702, and there remained but the eighteenth century to investigate before reaching the self-appointed end of his labors. A considerable amount of material for this final section had been collected and tabulated before his death in 1890, enough at any rate to warrant the delegates of the Clarendon Press in requesting Thorold Rogers's son to complete the work. After repeated announcements and delays, the long-expected book has appeared, as Volume VII., Parts I. and II., "edited with sundry additions" by Arthur G. L. Rogers.

of daily quotations of South Sea stock, Bank stock, East India stock, and Consolidated Three-Per-Cents that fill the second half of Part II.

Even if the editor had felt himself unequal to the task of interpreting his material on the same scale as in the previous volumes, with their background of economic and political history, yet a few tables of decennial averages and a brief presentation of the facts now buried in the 940 pages of figures would have been serviceable. It might, perhaps, be urged that the toil of extracting the desired information would be a salutary deterrent from the uncritical use hitherto often made of Rogers's averages. Historical statistics, it is true, are peculiarly liable to misuse, but provided adequate warning is given there can be no valid reason for failing to make the raw material as available as possible. Whatever the cause for neglecting or indefinitely deferring the publication of averages, the compiler makes no apology for the present omission. Indeed, he once casually remarks, in connection with an interesting series of Yorkshire meat prices, that "the student can easily construct tables for himself." But the student who for himself must painfully construct from the scattered price-lists a series of averages will likely enough feel some resentment at what he may consider a shirking of the editor's obvious duty. Still, eighteenth-century prices, with or without editorial elaboration, are not so common that he can afford to be over-querulous. Though his gratitude must have its reserves, he will be duly mindful of his obligation both to Mr. Arthur Rogers and to the delegates of the Clarendon Press.

EDWIN F. GAY.

Historic Highways of America. By ARCHER BUTLER HULBERT.
Vol. III., Washington's Road; Vol. IV., Braddock's Road.
(Cleveland: The Arthur H. Clark Company. 1903. Pp. 214;
213.)

FOLLOWING a chronological rather than a geographical plan, the third and fourth volumes of Mr. Hulbert's *Historic Highways* cover the earlier period of the French-English contest for the possession of the Mississippi Valley. The campaigns to the northward are omitted, the volumes consequently falling into the expedition of Washington in 1754 and that of Braddock the following year. The routes followed by these armies across the Alleghanies led from the same rendezvous, Fort Cumberland, and had the same terminus in view, the forks of the Ohio. They coincided to a certain extent. Yet the different circumstances attending the cutting of the two ways over the mountains, no less than the varying degree of thoroughness in construction, caused the author to devote two volumes to the one route.

The theme of each book is sufficiently indicated by its title. *Washington's Road* describes the conditions about the head-waters of the Ohio which caused his mission to the French and his subsequent expedition toward that region, ending in the surrender at Fort Necessity. *Braddock's Road* describes the gathering of the forces under that general, the

tinent. The Harvard expert in cartography never turns aside from the tracing of a route to lament in many pages that George Washington is gradually becoming lost to the American imagination except where he is preserved as the general or the president. But it is equally true that the series on *Historic Highways* will attract readers to whom Winsor would be intolerable. Such a comparison is not at all disparaging to the later writer and seems the best way of getting at the exact value of the volumes under consideration.

EDWIN ERLE SPARKS.

The True History of the American Revolution. By SYDNEY GEORGE FISHER. (Philadelphia and London: J. B. Lippincott Company. 1902. Pp. 437.)

MR. FISHER yielded to a strange perversity in selecting a title for his book. He offends all the previous writers upon the subject by calling his book the *True History*, implying that all previous histories have been false. He then opens his preface by declaring himself outside the pale of the community of historians, for he does not agree with "the historians"; indeed, he pledges himself not to agree. Yet he is an honorable man, and has been burrowing amid the dust of pamphlets, where he has found some startling revelations. He puts his reader in a fever of expectation by announcing in a stage-whisper that he is about to tell him a terrible secret about the American Revolution. Yet the truest thing that can be said about this book is that it does not quite come up to the sounding phrases of the manifesto.

The work is not in the first place a history of the American Revolution, but a series of special arguments to prove certain facts about the Revolution upon which the best historians and teachers of history have been agreed for twenty years. No man who had read Channing's *United States of America, 1765-1865*, or the same author's *Student's History of the United States*, or Lecky's account of the American Revolution, or Winsor's sixth volume, or Lincoln's *Revolutionary Movement in Pennsylvania*, or Tyler's *Literary History of the American Revolution*—no man could have read these and numerous recent monographs, and then seriously have written this book. The most charitable thing one can say of Mr. Fisher is that he does not know of these works. He is talking throughout his book of the false views of historians, when he can have none in mind but the obsolete works which few now read.

Wherever Mr. Fisher does depart from the now generally accepted theories it is on some minor point, and consists of a reckless guess as to a motive, as (p. 111) in discussing the tea controversy he declares that Adams and his people "did not want the tea to be stored and rot because they were planning an outbreak, a truly Boston and Massachusetts outbreak which should be self restrained, and yet sufficiently violent to force both English and Americans to an open contest." Again (p. 151), he says that the American people wouldn't pay any attention to Rousseau

common statements in some of our histories that Governor Hutchinson was the vacillating and cowardly agent of tyranny, are utterly without foundation." A like state of mind must have induced the statement about the historians who "jump at the conclusion that Jefferson stole his ideas from the Virginia Bill of Rights or the Mecklenburg Resolutions" (p. 150). Again, he openly accuses historians "of placing certain facts in the background, because they did not show sufficient tyranny or oppression on the part of England" (p. 96). Sometimes he attacks "the historian" and the good sense of his reader at the same time, as in the discussion of the documents and addresses wherein the colonists declare their "Heartfelt loyalty." "Those fulsome expressions," says the author, "deceived no one at that time, and why should they be used to deceive the guileless modern reader?" Such statements were "merely the nets and mattresses stretched below the acrobat in case he should fall" (p. 92). By such assertions he attempts to prove the point that the colonists were consciously seeking independence from the first, whereas there is nothing to show that any but a very few of the colonists were early scheming for independence. Mr. Fisher's interpretation of Howe's conduct has often been advanced as an explanation of his course, but the author has simply seized upon this, ignoring all else, and has made it the thread of his account. The argument is not effectively presented to the reason, but is made impressive by continual harping upon it. The best support of the theory is given on pp. 303-304. There seems to be little doubt that Howe's Whig politics did soften his campaigning.

In addition to these faults in his method of work, and the mechanical management of his story, Mr. Fisher's style is very unfortunate for a writer of history. He has a sneering, insincere way of handling an argument, which creates a lack of confidence in the worth of his conclusions. He has made himself the Thersites of the American Revolution, jeering and ridiculing most of the reverend characters and solemn events of that struggle. He flouts Boston in his account of the tea-party: "The vast crowd was perfectly silent, a most respectful Boston silence" (p. 112); and because the "good order" was boasted of by the patriots, the author sneers, "it was so neat, gentle, pretty, and comical, that to this day it can be described in school-books" without the children's seeing that it was a riotous breach of the peace. Again, he becomes actually silly in his efforts to divest the Revolutionary army of a hypothetical fine appearance which some unknown author has ascribed to it. It is pleasant to think, says Mr. Fisher, "that each hero put on his beautiful buff and blue uniform, brought to him presumably by a fairy, or found growing on a tree, and marched with a few picturesque hardships, to glorious victory" (p. 261). The narrative is constantly interrupted by jaunty suggestions and interpolations of the author, together with detached information and stories, good in a book of anecdotes, but having no logical place in his history. To this poor literary taste he adds bad historical taste in his fondness for fanciful historical

ately preceding. What can be regarded as essential here will be made clearer by considering the fairly successful attempt of Professor Flick in his first chapter to present the pre-Revolutionary development of factors and tendencies—social, religious, political, industrial—that lie at the root of the later conflict in New York. Connected with this is the inadequacy of Mr. Van Tyne's analysis of the Loyalist party at the beginning of the revolt; even when supplemented by later brief passages, we feel that the problem has not really been grappled with. It is doubtless true that "The motives and combinations of motives, the characters and phases of character might be multiplied indefinitely," but it is the business of the historian to deal with the general aspects that enable us roughly to classify individuals and make us in some degree independent of the personal equation. A part of this problem is surely an effort to distinguish between Loyalism in different sections of the country; but no clear distinctions of this kind are made, either with regard to early aspects or to later developments. Most of the general assertions of the writer are made indiscriminately; his pages seem to take no account of the fact that he is dealing with thirteen very distinct communities ranging through a wide territorial area and fundamentally diverse in various ways.

I have said that Mr. Van Tyne does not show an adequate grasp of the material. It will be found on examining his citations that his general statements seem based upon material less in amount and not much more generally representative than that used by Flick in his examination of New York Loyalism. He makes little use of the Loyalist literature and depends for his journalistic material almost solely on *Rivington's Gazette*. There are two references to the *Pennsylvania Evening Post*, one to the *Newport Gazette*, and one to Almon's *Remembrancer*. Rivington's journal is doubtless a most valuable source; but it should be noted that Flick describes it as one of three New York Loyalist journals that "give three different pictures of loyalism." It must be said in this connection that the reviewer cannot concur in the author's decision that the existence of bibliographies in Flick and in Winsor "renders it unnecessary to include a bibliography" (preface, p. ix). A critical bibliography is rarely out of place. There is an entire absence of the impressive massing of references used by Flick, and important statements are at times made with little or no support. On page 161 we are told that "The Tories made every effort to render the state of war as odious as possible, and to this end many turned renegade and robbed and destroyed in so secret and mysterious a manner as to make life in their vicinity a state of terror." Absolutely no proof is given for this, though it certainly looks like a hasty acceptance of a Revolutionary legend that reminds us of the "Brigands" of the French Revolution. We are informed (p. 18) without reference that the Loyalists urged strenuous action on the British government; only one citation is given for the unqualified assertion on page 109 that "In New England, the people became convinced that their religion as well as their liberty was

men without a grievance. . . . Men do not rebel to rid themselves of prosperity. Prosperous men seek to conserve prosperity' (p. 307). I have no space left for comment on this. It may readily be admitted that conservatism is usually strongest among those who have most to lose ; but if this is Mr. Van Tyne's explanation of the Loyalism of the American Revolution it is not surprising that his book should be unsatisfying.

I have criticized not only the matter of this volume but the form of its presentation,—the more so as it is evident that the author has aimed to make it of popular interest. It is deficient in firmness and definiteness of plan and treatment, much in need of pruning and readjustment, marred also here and there by indications of hasty and unwise contraction and by repetitions (compare the opening sentences of the main paragraphs on pages 223 and 224, and the third and fourth sentences on page 17). Peculiarities of diction are sometimes painful ; as the styling the demolition of houses for fuel by the Tories in Boston "fire-worship" (p. 54), and the statements that Galloway spoke the truth "when it was not obscured from him by passion" (p. 87) ; that the justices of the peace "administered the political shibboleth" (*i. e.*, the oath of fidelity, p. 135) ; that the early policy of the states in regard to the Tories "forces the belief upon us that conversion was the consummation devoutly to be wished" (p. 212). It should be added that there is a good index and that pp. 309-341 give most useful tabulations of anti-Tory legislation. The book has indeed many defects, but I repeat that it still shows that its author can do better ; it is to be hoped that Mr. Van Tyne may continue his work in this field and in time provide us with a wholly satisfactory treatise.

VICTOR COFFIN.

Daniel Boone. By REUBEN GOLD THWAITES. (New York: D. Appleton and Company. 1902. Pp. xv, 257.)

THIS little book is strictly a life of Boone, and not a history of his times or of the regions where he lived. The author has distinctly disclaimed making him the hero of things which he did not do and of qualities which he did not possess. He has confined himself to showing what manner of man he was who came to such renown among his contemporaries and is esteemed a hero by the passing generations. The frontispiece is a reproduction of an authentic portrait of Boone in his old age by Chester Harding. The text is characterized by clearness of outline, balance of parts, unity of purpose, and completeness in itself. The author frankly states that he has not attempted to exhaust the sources of information about Boone. Had he done so, he must have cast his book in a different mould and on different lines. The present book is one of the Appletons' Series of Historic Lives.

George Boone, the grandfather of Daniel, came to Pennsylvania in 1717. He was a weaver by trade, born and bred to be a modest member of an English industrial village. Daniel Boone went backward to the

remotest verge of the agricultural stage of life, wherein men are unable to procure subsistence by agriculture alone and are obliged to supplement it by hunting. But he was not therefore a degenerate. Hundreds upon hundreds of American pioneers have done the same thing. This retrogression is a legitimate item in the expense of colonization, a part of the price which the higher civilization has to pay to conquer the frontier for itself. The stage of life to which the pioneers had to adapt themselves was in many respects parallel to that of the Indians with whom they came in sharp and bitter conflict and from whom they are sometimes said to have copied in manner of life and mode of warfare. But there was this very essential difference between the two races. The one had worked its way painfully and slowly upward and the stage of culture which it held was its latest racial attainment. The other had gone backward temporarily; it "stooped to conquer" and quickly rallied, generally within the generation, to its normal stage of progressive agriculture and industry.

The process was repeated over and over again. Indeed this backward stage on an ever-receding frontier forms a long, continuous, and distinct phase in American history. Most writers and students have found themselves more interested, and perhaps quite naturally, in the dynamic problem, in watching a people working out of the lower into the higher stage. But the static problem, the problem of a people living in the lower stage, is of sufficient magnitude, interest, and importance to merit clear recognition and discriminating treatment. It had its own conditions; it devised its own forms of organization; and it produced its own code of social conduct. Daniel Boone is its typical representative and popular hero.

Boone lived practically all of his life on this quasi-agricultural stage. He loved the life he lived and shunned the society which most men crave. While disposed to be orderly and law-abiding, he was irritated by those restraints upon the freedom of individual action without which a populous community cannot maintain orderly existence. He lost his property because he neglected to comply with the formalities through which alone private property in such communities can be protected. He wanted elbow-room and moved from Kentucky up to the Kanawha and thence out to Missouri to get it.

Sevier would not answer for the type of manhood on this stage of life. His is a different and a greater glory. He went down through it and rose up out of it to be a commonwealth builder. George Rogers Clarke would not answer, for he became a misanthrope. But of all the vices common to mankind or peculiar to men on this stage of life, and of all the corresponding virtues, Boone combined in himself fewer of the vices and more of the virtues than perhaps any other man known to fame. In his career, so admirably presented by Mr. Thwaites, we may find for contemplation an excellent type of the life peculiar to and characteristic of the conditions of the American frontier statically considered.

FREDERICK W. MOORE.

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The Writings of James Monroe. Edited by STANISLAUS MURRAY HAMILTON. Volume VI., 1817-1823. (New York and London: G. P. Putnam's Sons. 1902. Pp. xviii, 444.)

EVEN a somewhat dull man's letters may make interesting "copy," provided he has been made President of the United States; and Monroe's letters of these seven years form no exception. Public affairs of importance and of varied interest are handled, not with brilliancy or pungency of expression, but with justice, discretion, and solid sense. The volume thus becomes, through these letters, an important contribution to American history in a period not on the whole so well illuminated as some that preceded it. One cannot help feeling a certain disappointment that there are not more of them, especially since these seven years are precisely those in which Monroe's personality is of most importance to his country's history. In proportion to Mr. Hamilton's fullness in earlier years, ninety letters for the chief years of Monroe's presidency seem few. He has apparently printed all that are of importance among the Monroe, Madison, and Jefferson papers in the Bureau of Rolls and Library. But one wonders if there are not other valuable letters in Washington, for instance among the miscellaneous letters of the period in the Bureau of Indexes and Archives, and feels almost certain that there are such among the Adams papers at Quincy, where Mr. Ford found so much for his more special purpose. Perhaps Mr. Hamilton has done all he could. Certainly he has done much, and one ought not to carp. It would seem, however, that it must have been possible to include the Monroe letters of this period which appeared in the *Bulletin of the New York Public Library* for last June and July, especially the letter of August 5, 1817, to George Hay, and that of July 31, 1823, to Fulwar Skipwith, both of which are on the whole more interesting than any printed in this volume, except the well-known letters written to Jackson in 1818.

Of the nine letters not derived from the Jefferson, Madison, and Monroe papers, four are taken over from Parton's *Jackson*. In the case of three of the four this does no harm. But in the case of the letter of December 21, 1818, it is most unfortunate. Parton took these letters from Calhoun's pamphlet of 1831 on the Seminole controversy. This one he mutilates in an extraordinary manner, cutting off the important final paragraph and then reasoning as if it had never existed. The reader can easily compare Parton, II. 528, with Calhoun's *Works*, VI. 421. Mr. Hamilton, by following Parton, presents the mutilated version.

For the uses to which the volume will be put it needs more explanatory foot-notes. The texts show frequently the fault which has been mentioned in the case of some previous volumes — the printing of a word which does not make sense when a word closely resembling it was certainly intended and might better be substituted. If by a slip of the pen the word which the editor prints has really been written, it is open to him to print the correct one in brackets. Instances which illustrate the defect are: "They say'd the opportunity," for "seiz'd" (p. 27);

Mr. Van Tyne's edition of Webster's letters is a valuable supplement to the two volumes of *Private Correspondence* published by Fletcher Webster in 1856. An interesting account of the fate of the Webster papers—typical of that which not seldom has befallen the papers of other distinguished men in this country—is given by Mr. Van Tyne in his preface. At the time of Webster's death, in October, 1852, most of his papers were at Marshfield. Those which were left in Washington, together with copies of the semi-official correspondence between Webster and Fillmore, were shortly sent to the same place, while copies of other letters were obtained through the efforts of the literary executors. The plans of the latter for the publication of the papers were, however, frustrated by Webster's son Fletcher, who turned over to the executors only such letters as he himself proposed to publish, though he received from Edward Everett a great mass of letters, the executors having decided to send to Fletcher Webster "such portions" of the correspondence and papers "as it might be deemed expedient to publish." After the issuance of the *Private Correspondence*, the borrowed copies were returned to the executors "in a confused condition"; and the three principal collections now remaining are, in Mr. Van Tyne's phrase, a "hodge-podge."

The letters retained by Fletcher Webster were divided between Professor Sanborn, of Dartmouth College, and Peter Harvey. Harvey's collection, with additions, was presented in 1876 to the New Hampshire Historical Society, and it is upon this collection, numbering over 3,500 letters, that Mr. Van Tyne has mainly drawn in the volume now published. The valuable collection owned by Mr. C. P. Greenough has not, save for ten letters, been available, perhaps because of its intended use in the new edition of Webster's works announced by Little, Brown, and Company, but some thirty letters have been drawn from the large collection of Mr. Edwin P. Sanborn, of New York. As it is, however, the Webster correspondence is still fragmentary. Many letters known to have been written have disappeared, while some of Webster's best-known correspondents are represented by but a few letters.

Mr. Van Tyne's edition is itself a selection. He has not undertaken to print anything like the whole mass of correspondence and memoranda to which he has had access, but such parts only as he judged to be of permanent interest, or typical of Webster's conduct or opinions in certain personal relations. Of the thousands of letters preserved, many are obviously of no consequence, and those he has wisely left untouched. Passages omitted without indication in letters printed by Fletcher Webster are given, if important, while many letters from Webster's wife and children have, on the other hand, been shorn of their unimportant or repetitious personal phrases. The method is dangerous, and would hardly be permissible in a more pretentious collection, but we do not imagine that there will be much criticism of Mr. Van Tyne at this point, though one must of course take his word for it that the excision has been judicious.

The *errata*, though not numerous, are of the kind that ought not to occur. Landon for Jaudon (p. xxii), Plummer for Plumer (pp. 74, 110, 552), Abbot for Abbott (p. 449), Daniel T. Tompkins for Daniel D. Tompkins (p. 85), Curtiss for Curtis (p. 470), and Wallcot for Walcott (p. 580), are among the misprints, together with such erroneous readings of the manuscript as Sauger for Sanger (pp. 441, 470, and elsewhere), W. H. Grinnell for M. H. Grinnell (pp. 537, 539), Colgent's for Colquitt's (p. 608), Tuckers for Suckers, contemporary slang for people of Illinois (p. 221), and Doroney for Downs, senator from Louisiana (p. 399). "The letter to Reverend Goddard" (p. 735) is at least inelegant. The numerous foot-notes are brief, but generally sufficient. There are a few slips, as on p. 372, where the career of E. Rockwood Hoar is made to appear as that of his father, and on p. 462, where the first note is meaningless. Note 2, p. 625, is a repetition of a part of the preceding letter. The Horatio G. Cilley noted on p. 742 is apparently the same person as the one referred to, with a different residence, on p. 743. The absence of an index is extraordinary, and is but partially atoned for by the full table of contents and useful chronological indexes of the papers.

WILLIAM MACDONALD.

Georgia and State Rights. By ULRICH BONNELL PHILLIPS, PH.D.
(Washington: Government Printing Office. 1902. Pp. 224.)

THIS is the essay for which the Winsor Prize of the American Historical Association was awarded in 1901. Its subtitle describes its scope, "A Study of the Political History of Georgia from the Revolution to the Civil War, with Particular Regard to Federal Relations." The essay, of more than two hundred pages, has to do with some of the most important subjects in American constitutional history. Georgia in the making of the Constitution; the expulsion of the Cherokees; the case of the Cherokee Nation *vs.* Georgia, and that of Worcester *vs.* Georgia; the attitude of Governors Troup and Lumpkin and of Georgia toward the national government; Jackson's attitude toward Marshall's decision; and the practical nullification of Georgia in the Worcester case — these are some of the important topics within the first half of Dr. Phillips's treatise. On all these topics the essay makes very helpful contributions for the student's use. In connection with these topics the author considers the various factions and parties in Georgia politics, and he brings within his view the public life and opinions of prominent statesmen of Georgia like A. S. Clayton, Gilmer, Forsyth, Crawford, Colquitt, and, later, men like Toombs, A. H. Stephens, Howell Cobb, Herschel V. Johnson, and Joseph E. Brown — men whose influence in the arena of national politics has been such that no student of American history can afford to be ignorant of their personal careers.

In considering state issues and state leaders the constant relation of these to national politics is indicated. The strength and composition of

The Second Bank of the United States. By RALPH C. H. CATTERALL. (Chicago: The University of Chicago Press. 1903. Pp. xiv, 538.)

THIS volume, which appears in the "Decennial Publications of the University of Chicago," is an exceptionally fine example of original historical research on an extended scale, devoted to a limited subject of inquiry, undertaken by a single investigator. The author was unusually fortunate in laying his hands upon something really original in every sense of the term, and this good fortune accounts for much of his success. It is not every investigator who can gain access to unworked archives, and some of those who do enjoy this opportunity make a sorry mess of their privilege; Mr. Catterall, however, has treated his material admirably, so that there is form as well as matter.

The proportions of the book are generous and comprehensive; the administrations of the several presidents of the bank, Jones, Cheves, and Biddle, are taken up in order, and the distinctive features of each plainly characterized. The statistical material is so carefully tabulated that in Biddle's administration two stages of policy are clearly defined. Of the strictly historical part of the book, nearly one-half is given to the years 1816-1829, a period generally neglected. The appendixes contain many useful documents and memoranda; there is a bibliography of fourteen pages, and intelligible charts add to the usefulness of the work.

The second United States Bank has long held an enigmatical position in American history. It indeed has been held accountable by one writer or another for almost everything that happened between 1829 and 1837. Mr. Catterall has unveiled the mystery, and henceforth writing the history of the Jacksonian period ought to be an easier task. The author has used to good purpose not only the documentary material that has been available to all historians, but through the courtesy of Mr. Craig Biddle he has had the advantage of examining the papers of Nicholas Biddle, including his manuscript correspondence and his letter-books as president of the bank. As Biddle was a generous writer and attached to himself correspondents who also wrote freely, the treasure-trove thus gathered is of the richest sort.

In the second place, the author has thoroughly mastered the political arithmetic involved in the discussion of domestic and foreign exchange, discount, branch drafts, race-horse drafts, and bank statements. This comprehension of banking practice is visible throughout the work; its service is especially valuable in Chapters II. and III., which deal with the disastrous years 1817 to 1819; in Chapter VI., which treats of the branch drafts; and in Chapter XIII., which is devoted to the contraction and panic of 1833-1834.

There are two bank questions in particular which have puzzled American historians: the first is the origin of Jackson's antagonism to the United States Bank; the second concerns Clay's relationship to the struggle for a recharter. On each of these points the author has decided

writing to Ingersoll that he cared "nothing about the election." Then came Clayton's motion for another inquiry, and matters were delayed. Biddle was advised to withdraw the application for a time, pending the fall elections, but he felt that he had gone too far, and refused. The result was the veto; and up to this point Clay is given but little prominence. After the veto Biddle threw prudence to the winds. Contraction was deliberately adopted as a club to break Jackson. The Biddle letter-books are especially instructive for this period:

"My own course is decided . . . all the other Banks and all the merchants may break, but the Bank of the United States shall not break. I have asked Com. Biddle what is the least sail under which a man of war can lie to in a gale of wind, and he says a close reefed main topsail. So our squadron will all be put under close reefed main topsails and ride out the gale for the next two years. As for those who have no sea room and breakers under their lee, they must rely on Providence or Amos Kendall" (p. 331).

Letters of this style make interesting reading; only one more can be quoted: "This worthy President thinks that because he has scalped Indians and imprisoned Judges, he is to have his way with the Bank. He is mistaken" (p. 339).

The charges against the bank are thoroughly discussed. As a national bank, "the Bank never spent a dollar corruptly." The branches, however, engaged in intrigue; the bank lobbied in its own interests; it granted questionable indulgences to Congressmen, and spent altogether too much for printing.

The author makes an exhaustive review of the various services which the bank rendered to the commercial and fiscal economy of the country, and concludes that it was a serious error not to grant a recharter. It is somewhat difficult to reconcile this judgment with the long and detailed narrative of the mistakes which the bank made in its checkered career. For the moment the author appears to lose sight of the clue which guides him so skilfully in disentangling the contradictions of the struggle between 1829 and 1834, that is, the attitude of social democracy. The bank may have proved of service from a monetary and fiscal point of view, but does not the evidence spread on page after page show that the country, politically and socially, was not yet prepared for this service? The commercial machinery of a country must be in harmony with its spirit; otherwise even the best of machinery will go wrong, and this is the lesson which it seems to me is most impressively set forth in Mr. Catterall's painstaking analysis.

DAVIS R. DEWEY.

Personal Reminiscences of Prince Bismarck. By SIDNEY WHITMAN.
(New York: D. Appleton and Company. 1903. Pp. x, 346.)

No one could have done such a work better than Mr. Whitman, who knows his Germany at first hand, and who moreover approaches his

his limitations. The Emperor William II. is eminently a gentleman—a man of his word—a man of courage—a fair-minded man. He has plenty of other faults, but pettiness is not amongst them. He saw through the pettiness of Bismarck, and hence the dismissal which at the time seemed to portend calamity to the Empire.

Mr. Whitman gives us no anecdotes of importance nor any sayings that we care to look up a second time. He obviously deprecates his hero's dislike for England and extenuates it as well as he can. Mr. Whitman touches upon a visit paid to Bismarck by Herbert Gladstone, and criticizes this as being contrary to etiquette—that he first should have inquired “Whether their visit would be agreeable”! Mr. Whitman hereupon thinks it was quite proper that “In every case when Mr. Gladstone's son . . . called at Friedrichsruhe they found the Lord of the Manor ‘not at home’”! This is perhaps the best example of the meanness of spirit to which I have referred; and if there is anything more strange than the pettiness of a great Bismarck it is to read the effort made by Mr. Whitman to gloss it over.

I happened to be in Hamburg when Mr. Gladstone was there; it was in 1895, when I was the guest of the German Emperor at the festivities connected with the opening of the great Baltic Canal to Kiel. All the guests were immensely driven by a multiplicity of social and official engagements, and I recall marveling at the time at the energy and magnanimity that impelled Mr. Herbert Gladstone to carry his father's card to the front door of a Bismarck. Mr. Gladstone was six years the senior of Bismarck; he too was a retired prime minister; he had held the helm of a ship representing interests vastly more complex and extensive than any with which Bismarck had had to deal; and nothing seemed more proper than that on arriving in his yacht at the German port nearest to the home of the German statesman he should in the usual manner make his arrival known. He did so, and gave Bismarck one more opportunity of exposing the peculiar quality which made it imperative that the German Emperor dismiss him in 1890.

Mr. Whitman has ideas upon etiquette that I cannot hold; they are certainly not those of the German Emperor. And moreover etiquette was made for small men, not for statesmen out of office. The plain duty of a gentleman was for the master of Friedrichsruhe to acknowledge Mr. Gladstone's card at the earliest opportunity, to ask him to his house or, in case he did not wish to see him, to say so in suitable language.

The hate of Bismarck against England is only matched by his strange fondness for the Russian—again a counterpart of the feelings of his great master William I. Analyze this psychologically and you will trace it to our disposition to think well of those who flatter us or serve us, to resent the independence of people who are free in their manners and opinions. Bismarck loved his docile peasantry of Wendish or Slav extraction; but he did not admire the Magyar, who is the embodiment of warlike independence. Bismarck maintained his antagonism to the Socialists to the very end in spite of the fact that the more he enforced

interests involved. The inevitable candour of the historical biographer can never be unwelcome to those who honour the Queen's memory aright. Truth with her was an enduring passion." Accordingly Mr. Lee speaks quite frankly about certain foibles — the fondness for German relatives, the strong native prejudices and predilections which needed to be schooled, the bad taste in art, and the somewhat morbid tendency of mind which led to the accumulation of sepulchral memorials. Justice gets its due, but there is no exaggerated display of candor. Mr. Lee always remembers the Queen's fundamental honesty of character, her sympathy with her subjects, and her profound sense of public duty. "Far from being an embodiment of selfish whim, the Queen's personal sentiment blended in its main current sincere love of public justice with staunch fidelity to domestic duty, and ripe experience came in course of years to imbue it with much of the force of patriarchal wisdom, even with 'something like prophetic strain.' In her capacity alike of monarch and of woman, the Queen's personal sentiment proved, on the whole, a safer guide than the best-devised systems of moral or political philosophy."

In such a brief note it is only possible to point out the essential difficulties of Mr. Lee's problem and to comment upon the temper in which he has approached them. As regards contents, the prospective reader expects to find the political element a strong one. Indeed, the domestic life of the Queen is hardly touched upon, apart from its bearing upon public issues and public duties. The concluding chapter on her position and character is but one of forty-nine and is contained in fourteen pages. The praise which Mr. Lee merits is that of having steered a difficult course with great skill, of having won the success which is due to honesty, and of having written the best sketch of the Queen's character in relation to her reign.

CHARLES W. COLBY.

The Three Years' War. By CHRISTIAAN RUDOLF DE WET. (New York: Charles Scribner's Sons. 1902. Pp. x, 448.)

THIS work, which purports by its title to be a history of the late war between Great Britain and the South African Republic, is a simple narrative of the part taken in that war by the author. Though formally dedicated to his "fellow subjects of the British empire," it is addressed, as appears in the preface, to the general public of the civilized world.

Christiaan Rudolf de Wet was mustered into the commando of the District of Heilbron in the Orange Free State October 3, 1899, as a private burgher, and laid down his arms May 31, 1902, as general commander-in-chief of the Orange Free State armies. It would be interesting to learn the particular causes of his rapid rise; what, if any, had been his previous training and experience as a soldier; what was his political backing — for in the militia army of the Boers it must have been an important factor; what was his age and parentage; what had been his early schooling and higher general education. But, as already intimated, the work is not a biography. On these interesting questions it leaves

Brinkley: Japan: Its History, Arts, and Literature 795

ful likeness of the author by John S. Sargent. For the rest, the illustrations consist of four plans from sketches by the author, and four maps (three of South African territory and one of England and Wales) all on one sheet. These productions are no credit to the publishers, and hardly any assistance to the reader. The plans are the barest outlines of *terrain*. To make use of the maps one must have good eyes and a good light or strong glasses. The reader is never referred to any particular map, but is left to hunt for what he wants with the assistance of such powers of divination as he may happen to possess. He is likely, therefore, to give up the maps as impossible, and trust to the text and his imagination for his geographical bearing. There is a full index, in which, however, the hero of the story, De Wet himself, is signally slighted.

JOHN BIGELOW, JR.

Japan: Its History, Arts, and Literature. By CAPTAIN F. BRINKLEY. [Oriental Series, Volumes VII. and VIII.] (Boston and Tokyo: J. B. Millet Company. 1902. Pp. 396; 450.)

China. By CAPTAIN F. BRINKLEY. [Oriental Series, Volumes IX.-XII.] (Boston and Tokyo: J. B. Millet Company. 1902. Pp. iv, 426; 273; 285; 292.)

THE complete work of the accomplished editor of *The Japan Mail*, for thirty years a capable and enthusiastic student of the language, literature, art, history, and politics of Japan, is now before us. Its chief value lies in the revelation of the environment of the native artists who have so aided the historical development of the nation. Old Japan was a rich and wonderful "world outside of money" and science. Having no invaders or hostile pressure from without, the islanders developed from within those elements of action and counter-action by which progress is possible. Each clash of novelty from the Asian continent came as a literary, intellectual, religious, or artistic impulse. Political emissaries were few indeed. Even when the Japanese themselves invaded Korea, their famous harrying ground, the results were seen chiefly in the appropriation by them of both art and artists, and not in the possession of land nor in counter hostilities. Captain Brinkley, devoting one volume to the ceramic art of Japan, writes familiarly from direct knowledge, paying his respects critically and abundantly to the conjectures of European writers. Under his treatment it is seen clearly that while European art and its derivatives stand for representation, that of the orient, and especially of Japan, stands for pure design. Japanese art is mostly decorative and weak in figure-painting, and the reason is plain. The Japanese artists have never appreciated the contours of the human figure, and studies of the nude would have shocked the sense, not of decency but of refinement. Until the nineteenth century and the rise of the Hokusai and Ukiyo-e (passing world) style of painting, the subject-matter of art lay in the precincts of the court and the temple, where the exposure of any part of the person except the face and hands was deemed a gross

nously of education, literati, secret societies, and rebellions. Those who think that the Chinese are conceited and in all their airs and documents patronizingly superior should read again President Tyler's autograph letter of information and admonition to his great and "good friend" at Peking. Captain Brinkley makes merry over this "diapason of dignified condescension." Over and over again this Englishman of judicial mind handles, with searching criticism and often with frank disapproval, the methods of British diplomacy, while praising the policy of the United States government, which "may be implicitly trusted to do in any international complication, not merely what is right and just but also what is generous." The occupation of Canton and Peking, the Tai Ping rebellion, the sequels of conquest, the curious French tactics, under Admiral Courbet, of battle but not "war," and the situation of to-day are finely depicted. We may add that the superb illustrations and mechanical equipment, the abundant notes and appendixes, the indexes, and two large colored maps in this second instalment are of the same high standard as that set in the first volumes.

WILLIAM ELLIOT GRIFFIS.

To receive a copy of Alzog's *Manual of Universal Church History* (Vol. I., Cincinnati, The Robert Clarke Company, pp. xxii, 779) with the date of 1899 excites an interest which dies out with the discovery that the book is only a reprint (fifth impression) of a translation made in 1874 from the ninth German edition. Alzog's work has been held in honorable esteem, but the reprint occasions comparisons that do it injury. It evidences by its deficiencies the progress made in early church history by the intense activity of a generation of scholars. It presents a knowledge which was prior to a long list of discoveries and identifications. It knows nothing of the recovered Didache, of apocalyptic and apocryphal fragments, of many gnostic works, narratives of martyrdoms, and patristic discoveries. It is without the light that has been thrown upon the persecutions and the significance of early heretic and schismatic movements. Its constructions are adjusted to views which precede the labors of men like Ritschl, Harnack, Zahn, Loofs, Hatch, Funk, Kraus, Bardenhewer, Ehrhard. Such a list of names shows that Catholic scholarship has been fruitful and influential, and it provokes the question why Catholic students should be contented in 1899 with a bibliography made before 1874. The evident popularity of the manual in its American form should lead to a revision such as has been given to the German original. It would be still better if the work should be antiquated by a production from American Catholic scholarship.

FRANCIS A. CHRISTIE.

Student's History of the Greek Church. By the Rev. A. H. Hore, M. A. (London, James Parker and Company; New York, E. and J. B. Young and Company, 1902, pp. xxxi, 531.) There is need of a good historical manual of the eastern church in English, but the present work is not

and has accordingly given somewhat more than the ordinary proportionate space to the life of the people. He has also sought to lay stress upon the influence of the church and of oriental civilization in preparing barbaric Europe for its own renaissance.

The maps are good. The illustrations are of the kind used in such books and are in the main well-chosen. The pedagogical value, however, of the hideous caricatures of the human face and form which are presented by the ordinary medieval seals or effigies may be fairly questioned.

B. T.

The ninth volume of Felix Dahn's *Könige der Germanen* (Leipzig, Breitkopf und Haertel, 1902, pp. lii, 752) is devoted to the Alemanni. Seventy pages are given to their external history to the end of the ducal period, A. D. 746, and the remainder of the book to law and institutions, with the familiar classification and minuteness of the earlier volumes of the series. The treatment of formal law seems proportionately somewhat more full than usual. More than fifty pages are given to a discussion of the character and contents of the interesting code known as the *Lex Romana Rhætica Curiensis*, which Dahn agrees with Zeumer in the *Monumenta* in placing in the first half of the eighth century. The volume makes by far the most complete and detailed account of the institutions of the Alemanni now accessible in any one place. Forty pages of bibliography form a part of the introduction.

Jahrbücher des deutschen Reiches unter Otto II. und Otto III. Von Karl Uhlirz. Band I. Otto II. 973-983. (Leipzig, Duncker und Humblot, 1902, pp. xiv, 203.) The period covered by this volume was provided with a year-book as early as 1840 when Wilhelm Giesebrecht, the great authority on the history of the German Empire, published one of the *Jahrbücher* edited by Leopold Ranke. Since that time, however, so much has been discovered, edited, and published in the sources of German history that a new study of the Saxon dynasty is amply justified. The author of this book has not contented himself with a revision and amplification of the earlier work, but has given the results of an independent investigation of the reign of the second Otto.

The treatment is chronological, each year being recorded in a separate subdivision. Yet the matter is not purely annalistic in style, for the reasons and results of events are presented at the same time. The object of a year-book is not overlooked, that is, to give of the period a short current account, which at every step is based upon the documentary evidence which is minutely cited in the foot-notes. As a guide to the reign of Otto II. this work is exhaustive enough. Giesebrecht devoted but forty pages of his five volumes to this period. Richter's *Annalen*, which, true to its name, is a modern chronicle buttressed by quotations and references, concludes the matter in twenty pages. The present *Jahrbuch* contains more than 200 pages of text besides the appended essays upon difficult points.

J. M. VINCENT.

ductions are little more than bibliographical memoranda. And yet the matter of the franchises had a definite and important bearing upon the French policy on the Rhine. For the quarrel of the French King and the Pope was aggravated by the conflict over the archbishopric of Cologne, into which see Louis XIV. sought to intrude his protégé, William of Fürstenberg, bishop of Strasburg, to the prejudice of Clement of Bavaria, the candidate of Innocent XI. and of the Emperor. Moreover, Fürstenberg's episcopal rule in Strasburg influenced Catholic propaganda in Alsace, and the King's Huguenot policy.

Again, the letter of Louis XIV. to Pope Innocent XII. in 1693, revoking the declaration of the Four Articles made in 1682 (Vol. I., p. 64), had a bearing upon the peace of Ryswick. The King had resolved to avoid any negotiations looking towards a general peace, but instead to endeavor to break up the coalition by detaching some of the allies. Accordingly, in December, 1691, he sent Rébenac to Italy to negotiate the formation of a neutral league in the peninsula. Rébenac's mission was successful, save with Venice, which refused to listen to his overtures. With Rome Louis XIV. made peace, restoring Avignon to Innocent XII. and promising that the declaration of 1682 should not be taught in the schools of France as an article of faith. This agreement in turn influenced the formation of the treaty of Turin, June 29, 1696, between France and Savoy, which materially affected the attitude of the coalition to France. Yet no information of this historical nature is vouchsafed by the editor. The same criticism is less pertinent with reference to the documents in the second volume, which deal with Jansenism, the clergy and the fisc, and the suppression of the Jesuits, for these were issues of a more domestic nature and less complicated with general European politics.

JAMES WESTFALL THOMPSON.

Another contribution to the rapidly accumulating collection of works relating to that famous naval hero Paul Jones is *John Paul Jones of Naval Fame* by Charles Walter Brown. (Chicago, Donohue, 1902, pp. 271.) Mr. Brown tells in an interesting way the story of his life but contributes nothing that has not already been told. If the author had presented more details regarding the burial-place of this brilliant sea-fighter, and not disposed of the subject in such a summary way, his work might have contained an important addition to the literature of the subject, for regarding this little has been said in the published accounts of Jones.

E. F.

Recent European History 1789-1900. By George Emory Fellows. (Boston, Benjamin H. Sanborn and Company, pp. vi, 459.) This book aims to give a brief review of European history from 1789 to 1900. The author is persuaded that such a review is justified by the fact that a knowledge of the "movement toward constitutional government during the nineteenth century," which is essential for every educated

biographical study hardly rises above the level of an historical romance written to exhibit in an edifying manner princely virtues, particularly those of German houses. The picture which is given of the youthful *Dauphine* is uninteresting because it is so palpably untrue. There is also much useless digression. In the long chapter on the French court in 1770 thirty pages are devoted to a minor incident of the Regency. The author has not made a critical use of his materials. For example, he cites letters of Marie Antoinette from the discredited collection of the Comte d'Hunolstein, letters the authenticity of which has been denied ever since M. le Chevalier d'Arneth in 1864 published the correspondence of Marie Antoinette and Maria Theresa. He also quotes from Marie Antoinette's letters to her sister Marie Christine, although it was long ago concluded that the sisters carried on no correspondence.

H. E. B.

An abridgment of Gurwood's *Despatches of the Duke of Wellington from 1799 to 1815* has been issued in one volume (New York, E. P. Dutton and Company; London, Grant Richards, 1902, pp. xxxi, 475), by Walter Wood. While this abridgment cannot replace the original for the special investigator, Mr. Wood, by judicious editing of Colonel Gurwood's twelve volumes, has produced a serviceable and instructive book for the student and general reader. The bulk of the volume, three hundred pages, is devoted to the Peninsula, and in the selection of matter, next to battles and casualty lists, prominence is given to points of discipline. Even in India, although its people, according to Wellington, were in matters of government the only philosophers he had ever met, if indifference is philosophy, he was concerned to curb rapacity and violence in his soldiery. In the Peninsula this difficulty was, from end to end of the military scale, far greater. Among the English soldiery not only were pillage and murder of civilians frequent: they plundered systematically the government convoys in their own charge; while English officers, until Wellington interfered, quartered their mistresses in groups upon the Portuguese gentry, and even disturbed public performances by buffoonery in the wings and on the stage of Lisbon theaters. Wellington, as is well known, was not a Pharisee, but when an officer court-martialed for participation in a brothel fight was honorably acquitted on the ground that he had endeavored to appease the brawlers, the duke felt moved to object, not indeed to the acquittal, but to an acquittal with honor. Mr. Wood deserves credit for giving of his scanty space as much, perhaps more, to these failings of the English as to the shortcomings of their allies. On the latter point the duke at times was frankness itself. To an officious don, who in 1809 ventured to urge him by letter to "drive the French through the Pyrenees," Wellington suggested that he reserve gratuitous advice while the British troops were starving for want of provisions due by the don's countrymen, upon whom, Wellington adds as a parting shot, "I cannot even prevail to bury the dead carcasses in the neighborhood, the stench of which will

heroic vow which Goltz with reason distrusted, for the King within a week of its making fled and sat presently, an exile at Ghent, in fear and trembling lest Napoleon should publish the family correspondence which Louis in his timely haste had forgotten to destroy. The same haste prevented seasonable notice of the King's departure to the diplomatic corps. Goltz, left accordingly without passports, awaited the pleasure of Napoleon, who invited him to leave France *via* Strasburg. Not until May did he rejoin the French court at Ghent. Louis meanwhile was adding liberally to the errors for which the Bourbon name is famous. Blacas, the unpopular reactionary, was removed from office after Waterloo, but throughout the Hundred Days he, with the detested emigrés, was supreme in the counsels of the King. For them Louis offended men such as Victor and Marmont. Another trusted adviser of the King was the Duke of Orleans, who at this moment was intriguing to replace Louis on the throne. The English, on the contrary, and Pozzo di Borgo, Louis's real friends, the King slighted by issuing, against their advice, indiscreet proclamations to France. The damage thus done to his own cause Louis was unable to counteract by real assistance. To him, as to Napoleon, Paris and France were indifferent. One gentleman indeed, presumably a Gascon, by a stretch of loyalty so isolated and naïve as to seem almost ridiculous, journeyed the entire distance from the Pyrenees to join the King's standard at Alost, but the Frenchmen there assembled were too few and too disorganized to gratify the ambition of the Duchesse d'Angoulême to figure at their head as a second Joan of Arc in western and southern France. On these and similar points, particularly on the delicacy of the problem facing the Allies in the reconquest of Louis's throne, this work amplifies previous knowledge.

H. M. BOWMAN.

The Mohawk Valley. Its Legends and its History, by W. Max Reid (New York, G. P. Putnam's Sons, 1901, pp. xii, 455). Some books the historical student welcomes because they bring him new facts; others he prizes because they bring him old facts clothed in an entertaining style. Mr. W. Max Reid's book belongs to neither of these classes. The author is evidently very familiar with the valley, and has taken pains to visit the localities of which his book gives us the history, legends, archæology, or romance. Zeal for the cause has not been lacking. But although the author has delved into the probable site of an Indian fort, "unearthing a stone axe, a broken stone pestle, a few bone tools and flint implements, together with forty fragments of as many decorated vessels of Indian pottery," and although he professes to have also delved into "the early records of history, particularly the colonial and documentary history of New York," his book is far from a new contribution to the history of the Mohawk valley. Nor has the volume the merit of being well-written. Ill-arranged sentences in which one looks in vain for a verb (*e. g.*, pp. 50, 192, 229), sentences in which indeed there are verbs, but verbs singular with subjects plural (*e. g.*, pp. 2, 65),

Bay Company is given great meed of praise because it ruled for two and a half centuries with smaller loss of life in the aggregate than the railways of the United States cause in a single year. "Of how many companies may it be said that it has cared for the sick, sought the lost, fed the starving, and housed the homeless? With all its faults, that is the record of the Hudson Bay Company."

EDWIN ERLE SPARKS.

The tendency to seek subjects for doctoral dissertations in local rather than national incidents, or, rather, to examine national tendencies in local incidents, brings a study of *The Wabash Trade Route in the Development of the Old Northwest*, by Elbert J. Benton (Johns Hopkins University Studies, Baltimore, The Johns Hopkins Press, 1903, pp. 112). The material concerning the route in days when it was used by the French traders is so meager compared with the information obtainable after the construction of a canal over the larger part of the route that the present monograph might properly be entitled "A History of the Wabash and Erie Canal." The author finds the inauguration of a national improvement system in the direct appropriation to the Cumberland national turnpike in 1806. A second stage is noted in the authorization of a subscription to stock in the Chesapeake and Delaware canal. A third and distinct phase he finds in the Federal land grant to the Wabash and Erie canal in 1827. The construction of the canal was inaugurated in 1832 and a section between Fort Wayne and Huntington was opened to commerce three years later.

This was the year of the transportation expansion of the middle west, and the canal became part of Indiana's proposed ten million dollar network of public canals, railroads, and turnpikes. The author thinks the contemporary revolution in the means of transportation and the bad administrative methods were responsible for the subsequent collapse rather than the madness of the people in plunging hastily into a wild scheme. By 1853 the rejuvenated Wabash and Erie canal had been built to its terminus, Evansville, on the Ohio River, and had been extended northeastward through the state of Ohio to the Maumee River. But from the time of its completion its receipts began to decrease until 1874, when it was abandoned. By statistics the disastrous effect of the competing Wabash railroad is graphically shown. The annual receipts for the canal when the railway was begun were almost \$200,000; but twenty years later they had shrunk to \$7,000. A pathetic part of the story is told in the efforts of manufacturers, tradesmen, and farmers to maintain the canal by subscriptions to prevent their being left at the mercy of the railroad rates. The lack of deep-water communication at each end of the canal, the failure to sell the anticipated water-power along the way, as well as the demand for faster freight accommodations, proved fatal in the end.

A concluding chapter shows the influence of the canal on the commercial and social development of the northwest. The entire work seems

carefully written and from good authorities. The panic of 1837 becomes by transposition in one head-line "the panic of 1873," very familiar to the sight. The use of the word medal to designate the leaden plates buried by Celoron is not common, nor is the use of his name as "De Celoron." The monograph is likely to prove useful in any study of internal improvements or any commercial aspect of the middle northwest.

E. E. S.

The Theory and Practice of the English Government. By Thomas Francis Moran. (New York, Longmans, Green, and Company, 1903, pp. 379.) An attempt to describe the British government in a 12mo volume that contains but little over 300 pages of printed matter is necessarily subject to many limitations. This work confines itself to the organization and procedure of Parliament—including the crown, the cabinet, the House of Lords, and the House of Commons. Even in this field historical information is reduced to a minimum, there is no discussion of party organization and methods, and no mention of provisional order bills or closure. The administrative machinery, the judiciary, and the local authorities are omitted entirely. The historical features include only the most elementary facts about the succession to the crown, the development of the cabinet, the origin of the House of Lords and of the House of Commons, and the Reform Act of 1832.

In the treatment of the topics considered there is displayed a good knowledge of the standard authorities, with illustrations from recent events; and the work will be of service to those who wish a brief account of the British organs of legislation. Some exception may be taken to the discussion of a few points. A work which emphasizes practice might have mentioned force as an important factor in determining the succession to the crown. The political weakness of the crown at the present day is rather over-emphasized, as compared with the opinions of Bagehot and Sidney Lee. And the space given to proposed reforms of the House of Lords might have been used to better advantage in discussing some of the omitted topics. But in the main the book can be commended as an accurate and succinct account of the subjects discussed.

J. A. F.

COMMUNICATION

THE INTERNATIONAL CONGRESS OF HISTORICAL SCIENCES

THE historical congress inaugurated in Rome on April 2 of the present year, and concluded on April 9, had been conceived by a committee of private citizens as early as 1901, and had been definitely announced for the spring of 1902. In fact elaborate preparations had already been made and numerous subscriptions from foreign scholars had been received, some foreign delegates from America and Australia had even set out upon their way to Rome, when in January, 1902, an announcement of the indefinite postponement of the congress was issued in consequence of grave differences of opinion which had arisen between members of the executive committee. In Italy considerable mortification was felt over what some high-minded or perhaps highly irritated individuals declared to be discreditable to the nation. To-day, however, looking back over the eight days of learned sessions and of brilliant festivities that constituted the congress of 1903, Italian and foreign delegates agree that the postponement cannot be considered other than fortunate; for it gave wider publicity to the invitations issued to scholars and time for further preparations both in organization and in the publication of works undertaken in honor of the occasion.

After the dissensions of 1902 the government took up the congress, and it was under its patronage that it was carried through. Government patronage never fails to find its critics, who charge it with fettering that which it supports, but it would be difficult to say in what way the Italian government fettered the historical congress of 1903. It should be borne in mind that education in Italy is under government control, that the universities and great libraries are government institutions, and that in consequence a considerable proportion of the Italian scholars who participate in an historical congress are, in their capacity of professors and librarians, government officials. In these conditions government patronage has only advantages to offer in such an undertaking. Certainly the congress of 1903 was organized on the broadest lines and with the fullest tolerance of opinion. The foreign delegates present numbered over 300 and the total membership of the congress reached 1,500. The liberal discount of 60 per cent. granted by the government upon railway fares within the borders of Italy greatly facilitated attendance and doubtless induced many scholars to take this opportunity of visiting the Eternal City. Of the 300 foreigners present the greater number were Germans, although England and France were also liberally represented. From the United States the Italian scholar and historian William Roscoe Thayer represented both the government, as delegate of the American

and Social Sciences ; VI. History of Geography and Historical Geography; VII. History of Philosophy and of Religion ; VIII. History of Mathematical, Physical, and Natural Sciences and of Medicine. The sections met separately, some of them further divided into groups, and held daily sessions, nominally from 9 till 12 in the morning and from 3 till 6 in the afternoon. At the preliminary meetings the Minister of Public Instruction, the Minister of Foreign Affairs, the Syndic of Rome, and Theodore Mommsen were elected honorary presidents; Adolf Harnack (Berlin), Paul Meyer (Paris), James Bryce (London), Basile Modestov (St. Petersburg), and Ludwig Pastor (Vienna) vice-presidents.

At the inauguration at Campidoglio on April 2 addresses were delivered by the Syndic of Rome, the Minister of Public Instruction, Senator Villari, and Professor Fredericq (University of Ghent). The address of Villari was an excellent sketch of the development of history in Italy in the nineteenth century, and will be printed in full in the *Nuova Antologia* of May 1.

In the regular sessions which followed, among the better-known scholars not already named who participated were: from England, Frederick Pollock, Frederic Harrison, John Mahaffy, Sir Alfred Lyall, and Oscar Browning; from France, G. Monod, Maxime Collignon, Paul Sabatier, and G. Bonet-Maury; from Germany, Ludwig Stein, Otto Harnack, Harry Bresslau, Otto Gierke, and Franz Buecheler; from Italy, Alessandro d'Ancona, Domenico Comparetti, Benedetto Croce, Adolfo Venturi, Giovanni Monticolo, and Guido Mazzoni. Prominent also were Professors Petersen and Hülsen, Professor Ludwig Pastor, and Abbé Duchesne, the distinguished heads of the German, Austrian, and French historical schools in Rome, highly esteemed by Italian scholars for their earnest and thorough work, and by reason of their official positions the natural centers about which their respective countrymen at the congress could group themselves. Russia, Austria, Spain, Belgium, Holland, Switzerland, Denmark, several South American republics, and other countries were also represented by one or more delegates. The papers read related to a great variety of subjects, a few to subjects of too secondary and minute a character to be appropriate for a congress, but the greater number of interest, and some of the first importance. The greater proportion were delivered in Italian, but several also in French, German, English, and Latin. Of most general interest to foreigners were, perhaps, those by Professor Boni, who has charge of the excavations of the Roman Forum and of the reconstruction of the campanile of St. Marks in Venice. Numerous votes of recommendation were passed by the different sections, relating especially to coöperative bibliographical undertakings, to the publication of manuscripts, and one of special importance to the desirability of uniform legislation in different countries providing for the opening of state archives for the study of contemporary history. With reference to bibliographical works it should be said that several important indexes of Italian historical reviews and of the publications of Italian historical societies were prepared especially for

the congress, and many copies were distributed gratis to the delegates. The most animated discussion upon the votes of recommendation was that relating to the entire republication of Muratori's *Rerum Italicarum Scriptores*, undertaken recently by the courageous publisher Scipione Lapi, of Città di Castello, directed by the able scholar Vittorio Fiorini, and containing a brief preface by Carducci. The minister of public instruction has subsidized the work with a gift of \$400 for each of the volumes, of which several have already been published. The work is beautifully printed, and is edited by many of the best scholars in Italy. The publisher wished a vote of encouragement, but this was opposed by members of the Istituto Storico Italiano, which also receives a subsidy from the government for similar publications. The Istituto men declared that Lapi's edition would duplicate in some of its volumes works already undertaken by the Istituto, and for some of which it possessed indispensable manuscripts. An amusing feature of the animated discussion which was raised was the fact that Professor Fredericq, who is described as "having presided with singular ability," did not understand a word that was said. The discussion closed with a simple vote of "commendation for republications of Muratori."

For a summary of the proceedings of the congress in its different sections the historian may be referred to the *Rivista d'Italia* for March-April, and to a more extended article in a number of the *Archivio Storico Italiano* which has not yet been published.

HARRY NELSON GAY.

NOTES AND NEWS

M. Julius Vuylsteke, Flemish litterateur and historian, known especially by his contributions to the history of the Artevelde and the city of Ghent, died January 16, at the age of sixty-six. Announcement has been made also of the death of M. G. A. Lefèvre-Pontalis, among whose many works will possibly be recalled most readily *Vingt Années de République Parlementaire au XVII^e Siècle: Jean de Witt, Grand Pensionnaire de Hollande* (1884).

The trustees of the Carnegie Institution have decided to establish at Washington a Bureau of Historical Research. After the first of October next, it is to be under the charge of Professor Andrew C. McLaughlin. The aims and purposes of the bureau are numerous; but it may be said briefly that it is established with the expectation that it will be of service to investigators of American history, especially to those desiring to make use of the archives at Washington. Professor McLaughlin is to continue as managing editor of the REVIEW. After October 1 all communications to the REVIEW should be addressed to the editor in care of the Carnegie Institution, Washington, D. C.

All serious students of history will be interested in the lecture with which Professor Bury began his duties at Cambridge: *An Inaugural Lecture* (New York, The Macmillan Company).

Professor Ernst Bernheim has just brought out the long-expected new edition of his *Lehrbuch*. It makes now a volume of nearly eight hundred pages, with the title *Lehrbuch der historischen Methode und der Geschichtsphilosophie mit Nachweis der wichtigsten Quellen und Hilfsmittel zum Studium der Geschichte*.

Dr. W. Rosenau has described in a recent volume Jewish ceremonial institutions and customs, using as illustrations plates which reproduce objects of the Sonneborn collection at Johns Hopkins University: *Jewish Ceremonial Institutions and Customs* (Baltimore, Friedenwald Co.).

The first number of a new periodical for social and economic history has appeared at Leipzig: *Vierteljahrschrift für Social- und Wirtschaftsgeschichte* (C. L. Hirschfeld, four times yearly, at 20 marks). It may be considered as succeeding the *Zeitschrift für Social- und Wirtschaftsgeschichte*. The editors are Professors Bauer of Basel, Hartmann of Vienna, and Von Below of Tübingen. It will deal with economic history down to about 1848, and will comprise articles and reviews; the articles to be published in German, English, French, or Italian. The chief articles in the first number are: H. Pirenne, "Les Dénombrements de la Population d'Ypres au XV^e Siècle (1412-1506)"; G. Schönfeldt, "Lohn- und Preisverhältnisse in Hann. Münden zu Anfang

ANCIENT HISTORY.

A specially noteworthy article in the thirty-third fascicle of the *Dictionnaire des Antiquités Grecques et Romaines* (Hachette) is that under the words "mercator, mercatura," being a history of Greek and Roman commerce, by MM. Huvelin, Cagnat, and Besnier.

The second volume of the *University of Missouri Studies* opens with a number on "Ithaca or Leucas," in which Professor W. G. Manly discusses, from the literary and topographical evidence, the question of the location of Homeric Ithaca, considering especially the comparative claims of Leucas and Ithaca. He concludes in favor of Ithaca, in harmony with the traditional view.

Noteworthy articles in periodicals: A. Fairbanks, *Aristophanes as a Student of Society* (American Journal of Sociology, March); P. Allard, *L'Incendie de Rome et les Premiers Chrétiens* (Revue des Questions Historiques, April).

MEDIEVAL HISTORY.

Students of medieval history will find the latest annual report of the progress of the "Monumenta Germaniae Historica" in the *Sitzungsberichte* of the Royal Prussian Academy for May 7. The work in hand is of much interest but too extensive to describe here. Among the publications of the past year we note especially an edition, by H. Bresslau, of the real "Vita Bennonis II. episcopi Osnabrugensis auct. Nortberto abbate Iburgensi," and Section I., Vol. I., of the "Leges Visigothorum," edited by K. Zeumer.

M. A. Luchaire has lately published two articles which appear to be instalments of a considerable work upon Pope Innocent III.: "L'Avènement d'Innocent III.," in the last December *Compte-Rendu* of the Academy of Moral and Political Sciences; and "Innocent III. et le Peuple Romain," in the *Revue Historique* for March and April.

Noteworthy articles in periodicals: L. Schmidt, *Die Ursachen der Völkerwanderung* (Neue Jahrbücher für das klassische Altertum, etc., May); E. Vacandard, *Saint Victrice Évêque de Rouen (IV^e-V^e Siècles)* (Revue des Questions Historiques, April); W. Köhler, *Emperor Frederick II., the Hohenstaufe* (American Journal of Theology, April); G. de Lesquen and G. Mollat, *Mesures Fiscales exercées en Bretagne par les Papes d'Avignon à l'Époque du Grand Schisme d'Occident* (Annales de Bretagne, beginning in January).

MODERN HISTORY.

Mr. A. F. Pollard's *Thomas Cranmer (1489-1556)*, in the "Heroes of the Reformation," has just been issued. This leaves but one more volume to complete this series — Professor Williston Walker's *Calvin* (New York, Putnam).

From the report made by Professor von Zwiedenek, of Graz, at the seventh German Historikertag in April, it appears that the first instalment of the Vienna Academy's edition of the correspondence of the

ways for economy ; and at the same time make all proper provision for satisfactory results. It is estimated that with a membership of two hundred and fifty the society would be able to issue two volumes yearly, of two hundred and fifty pages each. Approvals of this project, with indication of willingness to subscribe one guinea per annum, may be sent to W. Farrer, Leyburn, R. S. O., Yorks.

Mr. John Murray, London, has lately brought out *The Arts in Early England*, by Professor Baldwin Brown, in two volumes ; the first dealing with the life of Saxon England in its relation to the arts, the second treating of ecclesiastical architecture in England from the conversion of the Saxons to the Norman Conquest.

Recent months have witnessed the appearance of several especially important volumes of original material concerning two different parts of the British empire : *Accounts of the Lord High Treasurer of Scotland*.—Vol. IV., 1507–1573, edited by Sir James Balfour Paul (Edinburgh, His Majesty's General Register House), and *The Indian Mutiny: Selections from State Papers Preserved in the Military Department*.—Vols. II. and III., *Lucknow and Cawnpore*, edited by G. W. Forrest. The first volume was published some seven years ago (Calcutta, Military Department Press).

A limited de luxe edition, in twelve volumes, of the Hakluyt collection of *The Principal Navigators, Voiages, Traffiques and Discoveries of the English Nation*, is to be published in this country by The Macmillan Company. The question between the English publishers and the Hakluyt Society in regard to the inclusion of certain fresh material having been amicably arranged, this edition will be complete.

Some twenty-six narratives of voyages and travels, mainly of Elizabethan Englishmen, which have hitherto been consulted in "Arber's Garner," have been printed separately, in two volumes, with introduction by C. Raymond Beazley : *Voyages and Travels, mainly during the Sixteenth and Seventeenth Centuries* (London, Constable). This publication forms part of "An English Garner. Ingatherings from our History and Literature, the Original Impression of which is out of Print." Other parts of it recently published include *Tudor Tracts* and *Stuart Tracts*, with introductions respectively by A. F. Pollard and C. H. Firth.

Sir Reginald F. D. Palgrave has lately written a small volume on the royalist insurrection against the Protector's government in 1655 ; a relation of the part taken therein by the Protector, of the way in which his subjects regarded him and the insurrection, and of the causes and consequences thereof : *Oliver Cromwell*, etc. (London, Low).

Mr. Andrew Lang's Goupil monograph on *Prince Charles Edward Stuart, the Young Chevalier*, has been reproduced in a moderate-priced edition, and with numerous revisions (Longmans).

Among recent biographies are two that treat of prominent churchmen who have died recently : *Archbishop Temple*, by C. H. Dant (London, Walter Scott Publishing Co.) ; and *Life and Letters of Brooke*

hitherto unpublished documents, and studies in fields of monastic history not yet explored. Among the works announced for early publication in the first series are Bulteau's "Abrégé de l'Histoire de l'Ordre de Saint-Benoit," and Beaunier's "Recueil Historique, Chronologique et Topographique des Archevêches, Evêches, Abbayes et Prieurés de France." In the third series such subjects as monastic property, the Order of Cluny, and the Order of Cîteaux will be treated. An annual payment of twenty-five francs will entitle the subscriber to three octavo volumes yearly, and the work will be distributed only to subscribers.

M. G. Dupont-Ferrier announces, among other by-products of his recent monumental work upon monarchical institutions in France at the end of the middle ages, a book which will be indispensable to students of early modern French history: *Almanach Royal des Officiers de Bail-lages et Sénéchaussées*. It will appear in the "Collection des Documents Inédits."

The *Compte-Rendu* of the Academy of Moral and Political Sciences published in its last November number the bibliography which should have appeared at the head of the new edition of M. Levasseur's *Histoire des Classes Ouvrières*: "Les Sources Principales de l'Histoire des Classes Ouvrières et de l'Industrie en France."

Those who contemplate working upon the literary history of France will be interested in a paper by M. G. Lanson read to the Société d'Histoire Moderne in February, and since published in the April number of the *Revue d'Histoire Moderne et Contemporaine*: "Programme d'Études sur l'Histoire Provinciale de la Vie Littéraire en France."

A bibliographical review of interest to students of history as to those of other subjects has been undertaken by the house of Schleicher Frères et Cie in Paris: *Revue Générale de Bibliographie Française*. By its programme it will appear every two months, will contain a considerable number of reviews, and in addition a full and methodically arranged list of current publications in French, and will cost outside of France seven francs. In its reviews it will aim especially to redeem criticism of new books from the slough of advertising into which such work seems very generally to have fallen nowadays.

Noteworthy articles in periodicals: V.-L. Bourrilly, *Le Règne de François I^{er}. État des Travaux et Questions à Traiter*. I. (*Revue d'Histoire Moderne et Contemporaine*, May); H. Hauser, *Le Colbertisme avant Colbert et la Liberté du Travail sous Henri IV. Lyon et Tours (1596-1601)* (*Revue Bourguignonne Publiée par l'Université de Dijon*, for 1903, No. 1); P. de Ségur, *Le Procès de Sorcellerie du Maréchal de Luxembourg (1680)*.—I. *L'Arrestation* (*Revue des Deux Mondes*, May 15); E. Babut, *Une Journée au District des Cordeliers, le 22 janvier, 1790* (*Revue Historique*, March); M. Marion, *Les États de Bretagne sous Louis XVI.* (*Revue Historique*, March); A. de Ganniers, *Napoléon Chef d'Armée, Sa Formation Intellectuelle, — Son Apogée, — Son Déclin* (*Revue des Questions Historiques*, April); Armand Rébellion, *Re-*

A survey of German publications during the year 1901 relating to modern and contemporary German history is given in the *Revue Historique* for May and June, by M. Philippson.

It is announced that the letters and telegrams addressed by Bismarck to his wife during the Franco-Prussian war have been discovered; that the greater part of them will appear first in the German family journal *Die Gartenlaube*; and that eventually all of them — between seventy and eighty in all — will be published by Cotta in Stuttgart. It is said that they furnish little matter bearing directly on public affairs.

Noteworthy articles in periodicals: B. Hilliger, *Der Schilling der Volksrechte und das Wergeld* (*Historische Vierteljahrschrift*, April); E. Marcks, *Albrecht von Roon. Seine Persönlichkeit und seine geschichtliche Stellung* (*Deutsche Rundschau*, May); R. Ehrenberg, *Entstehung und Bedeutung grosser Vermögen. Das Haus Parisch in Hamburg* (*Deutsche Rundschau*, April, May, June); A. Poisson, *La Politique Douanière de l'Empire Allemand. Le Prince de Bismarck*, I. (*Annales des Sciences Politiques*, May).

BELGIUM, HOLLAND.

The Bollandist Father J. Van den Gheyn, of the Royal Library at Brussels, announces that he will soon begin the publication of a *Revue des Bibliothèques et des Archives de Belgique*.

Mr. W. E. Griffis has written a *Young People's History of Holland*, an attractive volume, well written, and filled with good illustrations which are likely to interest and help the young reader (Boston, Houghton, 1903, pp. xiv, 322).

AMERICA.

As representatives of the Carnegie Institution, Dr. C. H. Van Tyne and Mr. W. G. Leland are preparing a guide to the archives of the government of the United States at Washington. When the investigation is finished, the guide, it is expected, will be printed by the Carnegie Institution. Nothing more than a general description of the sundry collections of historical material and administrative records of the government will now be attempted. All collections of archives, not only those of the executive departments but also those of the judicial and legislative branches of the government will be described in at least broad and general terms and after personal inspection. In a few cases, where the documents are of especial interest, and where definite information can be given, a somewhat more detailed statement will be prepared. The study is intended to be only preliminary, but of such a character as to be of immediate value and of interest to investigators.

Messrs. Appleton expect to issue in the fall the sixth volume of McMaster's *History of the American People*. It will include a special study of President Jackson.

The Library of Congress is publishing, under the editorship of Dr. Charles Henry Lincoln, a calendar of Paul Jones manuscripts in the library — part of the Peter Force Collection. There are 883 entries, making an octavo volume of over three hundred pages.

Revolution," and "Thomas Janney, Provincial Councillor," by Miles White, Jr.

Prominent among recent contributions to the history of the loyalists is *The Confiscation of John Chandler's Estate*, in which Andrew McFarland Davis treats of the misfortunes which befell Colonel John Chandler of Worcester in 1774 (Houghton, Mifflin, and Company).

The Aaron Burr Conspiracy, by W. F. McCaleb, has just been published (Dodd, Mead, and Company, 1903). It is based largely on new and hitherto unused sources. A résumé of the conclusions cannot here be given, but it may be said that they differ in many particulars from the interpretations of the conspiracy as given in Henry Adams's *History of the United States*.

Messrs. Callaghan and Company, of Chicago, have lately published *John Marshall*: his life, character and judicial services as portrayed in the centenary and memorial addresses and proceedings throughout the United States on Marshall Day, 1901, and in the classic orations of Binney, Story, Phelps, Waite, and Rawle.

The annual volume of the Niagara Historical Society for 1902 has just been published. It contains contemporary narratives of the War of 1812-1814 by Captain Merritt, Colonel Welham Claus, Lieutenant-Colonel Elliott, and Captain Jacob Norton, all of which have been edited by Lieutenant-Colonel Cruikshank.

Lieutenant-Colonel Cruikshank continues his *Documentary History of Campaigns upon the Niagara Frontier*, which he has prepared for the Lundy's Lane Historical Society. This volume (marked on the cover Part V. and on the title-page Part I., 1813) contains material on the latter part of 1812 and the first six months of 1813. The records are collected from many different sources, from the Canadian archives, *American State Papers*, files of newspapers, and letters in private hands. It is unfortunate that Colonel Cruikshank is called on to regret the impossibility of obtaining access to the war and navy records of the United States government.

We have seen the announcement of the publication of a *History of the Negotiations for the Treaty of Peace at Ghent*, purporting to contain the suppressed official discussions at Ghent in 1814 on the North American fisheries, independent territory, the northwest boundary, Canadian boundaries and fisheries, etc., with notes by R. S. Guernsey (published by the author, 56 Pine Street, New York).

Mr. Woodbury Blair, Mr. Gist Blair, Mr. Montgomery Blair, and Mrs. Stephen O. Richey have lately made to the Library of Congress a gift of unusual importance, the large collection of papers of Andrew Jackson which they received from their father, Montgomery Blair, Postmaster-General in Lincoln's cabinet. These papers comprise thousands of pieces, notably letters, muster rolls, military reports, and memoranda of speeches. They begin before 1800 and extend to the time of Jack-

son's death in 1845. They will not be accessible for some time, since they have to be gone over in detail and properly prepared for use.

The *Speeches and Writings of Daniel Webster* have been published by Little, Brown, and Company in eighteen volumes. The set includes, according to publishers' statement, not only the material heretofore published and edited by Edward Everett, but many letters, papers, and speeches not hitherto printed.

The list of "true" books has been increased of late by *The True Abraham Lincoln*, by William E. Curtis, who has before written similarly on Jefferson (Philadelphia, Lippincott).

Colonel T. W. Higginson's life of Longfellow in the "American Men of Letters" series is chiefly interesting to students of literature. It contains very little reference to public affairs or social movement (Boston, Houghton, Mifflin, and Company, 1902, pp. vi, 336).

Mr. Fred Lewis Pattee has edited for the Princeton Historical Association *The Poems of Philip Freneau*. The first volume, which has now appeared, contains a sketch of Freneau's life and an appreciation of his work. His activity as editor of the *National Gazette*, his relations with Jefferson, and his enthusiasm for French principles under the influence of what the editor calls the "wine of French Republicanism" are treated in an interesting way. Mr. Pattee believes that the reason for Freneau's having passed into the shadow of neglect is not due to lack of real worth in the man, but to prejudices born during the bitter and stormy period of partizan politics, when Freneau played a conspicuous part, winning the honor of arousing Washington's wrath and being called by the staid Father of his Country "that rascal Freneau." The reader will be surprised to find how much the poems of this obscure writer have been praised, and also how much he wrote. The editor seems to have shown energy and assiduity in collecting his material from many sources and to have annotated the writings with judgment. In this connection it may be noted that Messrs. Dodd, Mead, and Company have just brought out the long-promised *Bibliography of the Separate and Collected Works of Philip Freneau, together with an Account of his Newspapers*, by Victor H. Paltsits, of the Lenox Library.

We have received the *Review of Historical Publications relating to Canada for the year 1902*, the seventh successive volume edited as heretofore by Professor Wrong and Mr. Langton of the University of Toronto. It is a stout volume of 233 pages, and the book-notices seem to be of the vigorous quality noticeable in preceding issues. There are over 200 books and articles noticed; some of them, however, belong rather in the field of geography or of geology than that of history.

The Ontario Historical Society have just published an edition of *Galinee Narratives*, comprising the text and an English translation by James Coyne, president of the society. It contains an interesting prefatory note, and an unpublished map of Upper Canada in the seventeenth century.

Mr. F. Bradshaw's *Self-Government in Canada and How it was Achieved* passes as one of the best books published on the history of Canada in late years. Incidentally it gives a complete account of the Durham mission to Canada in 1838 (London, P. S. King).

The fifth volume of the *Publications of the Colonial Society of Massachusetts* is given up to transactions of the society. It is a continuation of a similar record in Volume III. The fourth volume is to be a volume of collections and to contain longer papers. We find here a number of communications of importance: Franklin's letter on the Boston Tea Party; the commission of George I. to the Bishop of London, 1726-1727; a paper by John Noble on the "Records and Files of the Superior Court of Judicature and of the Supreme Judicial Court"; and other papers and original documents. The volume covers the transactions of the latter part of 1897 and of the whole of 1898.

The W. B. Clarke Company, of Boston, have lately published, under the editorship of Anne Rowe Cunningham, *Letters and Diary of John Rowe, Boston Merchant*, covering the years 1759 to 1779, except 1763, with extracts from a paper written for the Massachusetts Historical Society by E. L. Pierce. Of interest for other aspects of New England, and at a little later period, will be *Life in a New England Town, 1787, 1788*, being the diary of John Quincy Adams while a student in the office of Theophilus Parsons at Newburyport; edited by Charles Francis Adams (Boston, Little, Brown, and Company).

The state of New York has published in four volumes, the last being devoted to an alphabetical index, *Military Minutes of the Council of Appointment of the State of New York, 1783-1821*, compiled and edited by Hugh Hastings, state historian. The lists are intended to include all appointments made by the council beginning with the last one mentioned in *New York in the Revolution*, and ending with the adoption of the new constitution in 1821. The first volume contains a sketch of the government of New York during colonial times. It is not quite plain why the title-page should read "1783-1821" and the cover "1784-1821," though the latter would seem to be correct.

The leading article in the January number of the *Pennsylvania Magazine of History and Biography* is a translation, by J. G. Rosengarten, of some observations on North America and the British colonies gathered from conversations with Franklin by a Professor Achenwall, of the University of Göttingen, which Franklin visited in the summer of 1766: "Achenwall's Observations on North America, 1767." Other features of this number are: "The Journal of Isaac Norris, during a trip to Albany in 1745, and an Account of a Treaty held there in October of that Year"; the conclusion of "The Society of the Sons of Saint Tammany of Philadelphia," by Francis Von A. Cabeen; "Excerpts from the Day-Books of David Evans, Cabinet-Maker, Philadelphia, 1774-1811"; and "How President Jefferson was Informed of Burr's Conspiracy," by James Morris Morgan.

In the December *Records* of the American Catholic Historical Society of Philadelphia may be noted especially, aside from continuations, a first series of "Selections from the Correspondence of the Late Mark Anthony Frenaye," from 1834 to 1856, and "Extracts from a Diary Kept during the Yellow Fever Plague in Philadelphia, Pa., in 1798."

In the sixth volume of the *Proceedings and Collections of the Wyoming Historical and Geological Society* appear, among other articles, "Chevalier de la Luzerne," by Edmund L. Dana, with a number of letters of Luzerne copied from the French archives; "Colonel Isaac Barré," by S. R. Miner; and other papers and original documents chiefly of local interest.

Under the title *Glimpses of Colonial Society and the Life at Princeton College, 1766-1773, by One of the Class of 1763*, Mr. W. Jay Mills has brought together a series of letters, most of them written by William Paterson. They deal chiefly with personal affairs (Lippincott, 1903, pp. 182).

Princeton University has published *Academic Honors in Princeton University, 1748-1902*. The material is compiled and edited by John Rogers Williams.

The most important matter in the March number of the *Publications of the Southern History Association* consists of documents, continued from preceding numbers. The most noteworthy perhaps are Redd's "General Joseph Martin," and the documents illustrating the development of the Texas revolutionary sentiment.

The *South Atlantic Quarterly* for April contains, of special interest, "The Industrial Decay of the Southern Planter" — a diagnosis of conditions before the war —, and "The Peace Movement in Alabama during the Civil War. I. Party Politics, 1861-1864," by W. L. Fleming.

The *John P. Branch Papers of Randolph-Macon College* now take final form — "an annual publication of short biographical sketches of men who have had great influence in shaping Virginia's history." The work is almost entirely that of college students, done under the direction of Professor William E. Dodd, but the current number (No. III.) contains a "Life-sketch of Captain Richard Kirby," by Bishop J. C. Granbury. In other articles, "Thomas Ritchie," over forty years editor of the *Richmond Enquirer*, is treated by C. T. Thrift; "Abel Parker Upshur," at first secretary of the navy and then head of the state department under Tyler, by R. E. McCabe; and "John Lewis, Founder of Augusta County," by G. H. Fielding. There is also an instalment of "The Leven Powell Correspondence," including a group of letters on Jefferson's election and a half-dozen Monroe letters concerning the French spoliation claims.

The matter of most general interest in the January and March numbers of the *Gulf States Historical Magazine* is probably that concerning W. L. Yancey: "Yancey: A Study," by John W. DuBose. Among other articles we note especially: "Executive and Congressional Directory of

the Confederate States of America" (January number); "Col. Charles C. Jones, Jr.," by Charles E. Jones (March); and "The Bonapartists in Alabama," by Anne Bozeman Lyon (March). There are also various interesting documents in both numbers.

Among recent evidences of interest in historical studies in the south are the appointment of a commissioner of records in Georgia — "for republishing earlier Georgia Reports, where copyrights on same have expired and for compiling and publishing . . . the Colonial, Revolutionary and Confederate records of Georgia" — and the organization of the Florida Historical Society, at Jacksonville, last November.

The most notable contents of the *American Historical Magazine* for April are "A Rebel Newspaper's War Story," an interesting narrative of the war history of the *Memphis Appeal*, by R. A. Halley, and "Military Government in Alabama, 1865-1866," by Walter L. Fleming. Among other matter in this number are "A Dictionary of Distinguished Tennesseans," by A. V. Goodpasture, and a "Sketch of Captain David Campbell," by Margaret Campbell Pilcher.

Publications of the Mississippi Historical Society, Vol. VI., has an abundance of valuable articles that have more than local interest and significance. Possibly special attention should be directed to the "First Annual Report of the Director of Archives and History," which gives an encouraging account of the work that is being done for the preservation and arrangement of historical material; also to Professor T. H. Lewis's paper on the "Route of De Soto's Expedition from Taliepacana to Huhasene;" to Mr. Frank Johnston's "Suffrage and Reconstruction in Mississippi;" and to "Origin of the Pacific Railroads, and Especially of the Southern Pacific," by Mr. Edward Mayes.

The latest number in the "American Explorers" series concerns particularly the life and adventures of Joseph La Barge, pioneer, navigator, and Indian trader: *History of Early Steamboat Navigation on the Missouri River*, two volumes, by H. M. Chittenden (New York, F. P. Harper).

In the *Iowa Journal of History and Politics* for April, Professor Benjamin F. Shambaugh gives "A Brief History of the State Historical Society of Iowa"; President E. J. James makes an appeal for the study of state history: "State History in the Public High Schools"; and Joseph W. Rich deals with "The Hampton Roads Conference."

A considerable part of the April number of the *Annals of Iowa* is devoted to "An Iowa Fugitive Slave Case — 1850," reported by George Frazee. Among the other contents may be noted "Coming into Iowa in 1837" — a report of the experience of the Duffield family, by George C. Duffield — and "Transfusion of Political Ideas and Institutions in Iowa," by F. I. Herriott.

We note in the April *Quarterly* of the Texas State Historical Association: "The Disturbances at Anahuac in 1832," by Edna Rowe; "The Alamo Monument," by C. W. Raines; and a second instalment of "Reminiscences of Early Texans," by J. H. Kuykendall.

A movement is on foot to reorganize the California Historical Society, which published during its active existence from 1886 to 1895 considerable valuable material. In connection with this project goes a proposal to organize a Pacific coast branch of the American Historical Association, about seventy of whose members reside on the Pacific coast.

A biography of Admiral Sloat, who at Monterey in 1846 raised the American flag and took possession of California, has been written by Major Edwin A. Sherman, secretary of the Sloat Monument Association of California; *Life of the Late Rear-Admiral John Drake Sloat, U. S. N.* (sold by the author, 1364 Franklin Street, Oakland, California).

The *Quarterly of the Oregon Historical Society* for December has several interesting articles: "The Oregon Central Railroad"—concerning the beginning of Oregon railroad development—by Joseph Gaston; "History of the Press of Oregon, 1839-1850," by George H. Himes; and "The Archives of Oregon," in which, evidently, Professor F. H. Young gives the matter in regard to Oregon that will ultimately appear in a report of the Public Archives Commission. There are also documents, notably "Letters of Peter H. Burnett," relative to the emigrating expedition of 1843. The Oregon Historical Society, by the way, is particularly desirous of collecting historical material; and any one knowing of the whereabouts of any book, document, pamphlet, letter, diary, paper, weapon, or utensil of any kind that has had any relation to the early settlement of the original Oregon territory will confer a favor by notifying the assistant secretary, George H. Himes, Portland. The work of the society along this line should be of special interest in view of the approaching exposition (at Portland, in 1905) in celebration of the hundredth anniversary of the Lewis and Clark exploration of the Oregon country.

Noteworthy articles in periodicals: F. J. Turner, *The Significance of the Louisiana Purchase* (Review of Reviews, May); C. Becker, *Elections in New York in 1774* (Political Science Quarterly, March); General John B. Gordon, *Antietam and Chancellorsville* and *Gettysburg* (Scribner's Magazine, June and July); Lucy M. Salmon, *How Should the Entrance Examination Paper in History be Constructed?* (Educational Review, June).

INDEX

AMERICAN HISTORICAL REVIEW

VOL. VIII

 *The names of contributors are printed in small capitals*

- A., G. B., *Die ökonomische Entwicklung Europas*, II., von Maxime Kovalevsky (Review), 381.
- A., J. B., *Sir William White, G.C.B., K.C.M.G.*, by H. Sutherland Edwards (Review), 180.
- Acton, Lord (deceased), 187.
- Adams, Charles Francis, 53, 61, 423; Charles Kendall (deceased), 186; George B., 421, 422, 424, 425; Henry, 423; Dr. Herbert B., 421; John, 468, 480, 484, 685, 701; John Quincy, memorandum by (Document), 41-44; letter to (Document), 45; letter by (Document), 46-48.
- Adams, Charles Francis, *Lee at Appomattox and Other Papers*, by D. H. CHAMBERLAIN (Review), 144.
- Adams, Charles Kendall, and William P. Trent, *A History of the United States*, by F. H. HODDER (Review), 765.
- ADAMS, E. D., *Letters of Dorothea, Princess Lieven, 1812-1834*, translated and edited by Lionel G. Robinson (Review), 573.
- Adams, George Burton (editor), *Medieval Europe from 395 to 1270*, by Charles Bémont and Gabriel Monod, translated by Mary Sloan, by E. W. D. (Review), 581.
- ADAMS, GEORGE BURTON, *Henry I.'s Writ Regarding the Local Courts*, 487; *Dialogus de Scaccario*, by Richard, Son of Nigel, edited by Arthur Hughes, C. G. Crump, and C. Johnson (Review), 524; *Historical Introductions to the Rolls Series*, by William Stubbs, edited by Arthur Hassall (Review), 527.
- Adams, John Quincy, and the Monroe Doctrine, .II., by WORTHINGTON C. FORD, 28.
- Addison, 1.
- Administration of Dependencies, The*, by Alpheus H. Snow, by PAUL S. REINSCH (Review), 553.
- Africa, Roman*, by Alexander Graham, by FRANCIS W. KELSEY (Review), 159.
- African Company, the Royal, of England, The Constitution and Finance of, from its Foundation till 1720*, by W. R. SCOTT, 241.
- Agriculture and Prices in England, A History of*, VII., by James E. Thorold Rogers, edited by Arthur G. L. Rogers, by EDWIN F. GAY (Review), 769.
- ALDEN, EDMUND K., *When Old New York was Young*, by Charles Hemstreet (Review), 169; *New Amsterdam and Its People*, by J. H. Innes (Review), 585.
- ALDEN, GEORGE HENRY, *The State of Franklin*, 271.
- Alderman, Edwin A., 424.
- Alfred the Great, The Life and Times of*, by Charles Plummer, by O. H. RICHARDSON (Review), 380.
- Allen, Francis Olcott, *The History of Enfield, Connecticut*, by CHARLES M. ANDREWS (Review), 546.
- Allerton, Isaac, and William Bradford, *A Letter of, 1623* (Document), 294.
- ALVORD, C. W., *The Economic Interpretation of History*, by Edwin R. A. Seligman (Review), 517.
- Alzog, John, *Manual of Universal Church History*, by FRANCIS A. CHRISTIE (Review), 797.

- America, Historic Highways of*, by Archer Butler Hulbert, I., II., III., IV., by EDWIN ERLE SPARKS (Review), 539, 771.
- America, The Rise of Religious Liberty in*, by Sanford H. Cobb, by WILLIS MASON WEST (Review), 350.
- American Business Corporations before 1789*, by SIMON E. BALDWIN, 449.
- American Constitutional Precedents in the French National Assembly*, by HENRY E. BOURNE, 466.
- American Federal State, The*, by Roscoe Lewis Ashley, by J. A. F. (Review), 183.
- American Historical Association, Annual Report of the, for the year 1901* (Review), 582.
- American Historical Association, officers and committees of the, 423.
- American History, The Literature of*, edited by J. N. Larned (Review), 171.
- American Merchant Marine, The*, by Winthrop L. Marvin, by WILLIAM B. WEEDEN (Review), 541.
- American of 1775, The (Paper), 412.
- American People, A History of the*, by Woodrow Wilson, by FREDERICK J. TURNER (Review), 762.
- American Political Theories, A History of*, by Charles Edward Merriam, by W. W. WILLOUGHBY (Review), 767.
- Ames, Herman V., 410, 424.
- Amiens, 650, 651.
- Ancient History, Essentials in*, by Arthur Mayer Wolfson, by A. C. TILTON (Review), 736.
- Ancient History to the Death of Charlemagne*, by Willis Mason West, by CHARLES H. HASKINS (Review), 523.
- ANDERSON, FRANK MALOY, *A Fighting Frigate and Other Essays and Addresses*, by Henry Cabot Lodge (Review), 571.
- Andrew Doria*, the, 691, 692, 694.
- Andrews, Charles M., 422, 424.
- ANDREWS, CHARLES M., *The History of Enfield, Connecticut*, by Francis Olcott Allen (Review), 546.
- Angell, James B., 423.
- Anglican Episcopate, The, and the American Colonies*, by Arthur Lyon Cross, by WILLISTON WALKER (Review), 542.
- Anglo-Saxon landholding, 443-448.
- Anglo-Saxon Law, Tribal Custom in*, by Frederick Seeböhm, by N. NEILSON (Review), 333.
- Anjou, 638-640.
- Anne, Queen, 18.
- Anne, The Reign of Queen*, by Justin McCarthy (Review), 757.
- Annese, 292.
- Antimasonic Party, The (Justin Winsor prize essay), 422.
- Archibald, A. W., *The Trend of the Centuries*, by E. W. D. (Review), 157.
- Argall, governor of Virginia, 265.
- Arnheim, Fritz (translator), *Geschichte Belgiens*, II., von Henri Pirenne, by RUTH PUTNAM (Review), 340.
- Ashley, Roscoe Lewis, *The American Federal State*, by J. A. F. (Review), 183.
- Ashley, Professor W. J., 16, 427.
- Assyria, Die Religion Babylonien und Assyrien*, von Morris Jastrow, Jr., by J. F. McCURDY (Review), 580.
- Azan, Paul, *Annibal dans les Alpes*, by G. W. B. (Review), 379.
- B., B. P., *La Vie Littéraire à Dijon au XVIII^e Siècle*, par L'Abbé Émile Deberre (Review), 385.
- B., E. G., *Leopold von Rankes Bildungsjahre und Geschichtsauffassung*, von Wahan Nalbandian (Review), 182.
- B., G. L., *Monumenta Germaniae Historica, Scriptorum Rerum Merovingicarum*, IV. (Review), 379.
- B., G. W., *Annibal dans les Alpes*, par Paul Azan (Review), 379.
- B., H. E., *Marie Antoinette*, von Ludwig Brunier (Review), 802.
- BABCOCK, KENDRIC CHARLES, *Essays, Historical and Literary*, by John Fiske, (Review), 514.
- Babylon, *Die Religion Babylonien und Assyrien*, von Morris Jastrow, Jr., by J. F. McCURDY (Review), 580.
- BAIN, JAMES, *Samuel de Champlain*, by Henry Dwight Sedgwick, Jr. (Review), 168; *Father Marquette*, by Reuben G. Thwaites (Review), 384; *Notre-Dame de Sainte-Foy*, I., par H. A. Scott (Review), 584.
- Balard, J., syndic of Geneva, 218, 231-233.
- Baldwin, Simeon E., paper by, 417.
- BALDWIN, SIMEON E., *American Business Corporations before 1789*, 449.

- Ballagh, James Curtis, *A History of Slavery in Virginia*, by W. E. BURGHARDT DU BOIS (Review), 356.
- Baltimore Hero*, sloop, 692, 694.
- Bank, national, 458-459.
- Bank of the United States, The Second*, by Ralph C. H. Catterall, by DAVIS R. DEWEY (Review), 787.
- Barbiera, Raffaello, *La Principessa Belgiojoso, i suoi Amici e Nemici—il suo Tempo*, by HARRY NELSON GAY (Review), 590.
- Barère, 474, 484.
- Barnard, Francis Pierrepont (editor), *Companion to English History, Middle Ages*, by B. T. (Review), 380.
- Barnave, 477, 480, 481.
- Barrili, Anton Giulio (editor), *Scritti Editi ed Inediti di Goffredo Mameli*, by HARRY NELSON GAY (Review), 175.
- Bassett, John S., 425.
- BASSETT, JOHN SPENCER, *The History of Wachovia in North Carolina*, by John Henry Clewell (Review), 363.
- Bates, Albert C. (editor), *Rolls and Lists of Connecticut Men in the Revolution, 1775-1783*, by FRANK B. GAY (Review), 387.
- Bayeux, 614-630, 635-637.
- Beard, 214.
- Beauvais, 641-647.
- Bec, Histoire de l'Abbaye du*, par le Chanoine Porée, by G. B. A. (Review), 581.
- BECKER, CARL, introduction to *A Letter of James Nicholson, 1803* (Document), 511; *Recent European History, 1789-1900*, by George Emory Fellows (Review), 801.
- Beer, Adolph (deceased), 187.
- Beer, William, 424.
- Belgiojoso, La Principessa, i Suoi Amici e Nemici—il suo Tempo*, per Raffaello Barbiera, by HARRY NELSON GAY (Review), 590.
- Belgium, *Geschichte Belgiens*, II., von Henri Pirenne, übersetzt von Fritz Arnhem, by RUTH PUTNAM (Review), 340; *La Belgique Commerciale sous l'Empereur Charles VI: la Compagnie d'Ostende*, par Michel Huisman, by H. MORSE STEPHENS (Review), 353.
- BELKNAP, GEORGE EUGENE, *The Life of John Ancrem Winslow, Rear Admiral United States Navy*, by John M. Elliott (Review), 147.
- Bémont, Charles, and Gabriel Monod, *Medieval Europe from 395 to 1270*, by E. W. D. (Review), 581.
- Benton, Elbert Jay, *The Wabash Trade Route in the Development of the Old Northwest*, by E. E. SPARKS (Review), 807.
- Bergasse, 477, 480.
- Berger, Arnold, 215.
- Bern, 220-229.
- Bernard, 72.
- Bertha, A. de, *La Hongrie Moderne de 1849 à 1901*, by ARCHIBALD CARY COOLIDGE (Review), 578.
- Bezold, 213.
- Bible, The Evolution of the English*, by H. W. Hoare, by BYRON A. FINNEY (Review), 164.
- Biddulph, Colonel J., *Stringer Lawrence, the Father of the Indian Army*, by H. M. S. (Review), 171.
- Bigelow, 635.
- BIGELOW, JOHN, JR., *The Three Years' War*, by Christiaan Rudolf de Wet (Review), 793.
- BIGELOW, POULTNEY, *Deutschland und die Grosse Politik anno 1901*, von Theodor Schiemann (Review), 184; *Personal Reminiscences of Prince Bismarck*, by Sidney Whitman (Review), 789.
- Bingham, Hiram, Jr., paper by, 417.
- Bismarck, Personal Reminiscences of Prince*, by Sidney Whitman, by POULTNEY BIGELOW (Review), 789.
- Black, J. S., and T. K. Cheyne (editors), *Encyclopedia Biblica*, III., by C. H. T. (Review), 157.
- BLACK, J. WILLIAM, *Israel Putnam*, by William Farrand Livingston (Review), 174.
- Blackmar, Frank W., *The Life of Charles Robinson*, by LEVERETT W. SPRING (Review), 142.
- Blackstone, 21.
- Blauvelt, Mary Taylor, *The Development of Cabinet Government in England*, by T. F. MORAN (Review), 134.
- Blok, P. J., *Geschiedenis van het Nederlandsche Volk*, V., by P. J. Blok (Review), 169.
- Bolton, Charles K., *The Private Soldier under Washington* (Review), 386.

- Bonivard, F., 218.
- Boone, *Daniel*, by Reuben Gold Thwaites, by FREDERICK W. MOORE (Review), 779.
- Boston, 450, 457, 460.
- Bourinot, Sir John George (deceased), 392.
- Bourne, E. G., 421, 424.
- BOURNE, EDWARD GAYLORD, *La Lettre et la Carte de Toscanelli sur la Route des Indes par l'Ouest*, par Henry Vignaud (Review); *Toscanelli and Columbus*, by Henry Vignaud (Review); *La Solution de Tous les Problèmes Relatifs à Christophe Colomb*, par Gonzalez de la Rosa (Review), 341.
- Bourne, Henry E., paper by, 416; 425.
- Bourné, Henry E., *The Teaching of History and Civics in the Elementary and the Secondary School*, by MAX FARRAND (Review), 516.
- BOURNE, HENRY E., *American Constitutional Precedents in the French National Assembly*, 466; (editor), *Correspondence of the Comte de Moustier with the Comte de Montmorin, 1787-1789* (Documents), I., 709.
- Boutmy, Émile, *Éléments d'une Psychologie Politique du Peuple Américain*, by A. L. LOWELL (Review), 152.
- Bowdoin, George S., 423.
- Bowen, Dr. Clarence W., 421, 423.
- BOWMAN, H. M., *Napoleon Bonaparte and the Siege of Toulon*, by Charles James Fox (Review), 389; *Dispatches and Letters relating to the Blockade of Brest, 1803-1805*, II., edited by John Leyland (Review), 588; *Despatches of the Duke of Wellington from 1799 to 1815*, edited by Walter Wood (Review), 803; *Louis XVIII. et les Cent-jours à Gand*, par Albert Malet (Review), 804.
- Bowman, John, letter by, 505.
- Bowman, Joseph, letter by, 504.
- Braddock's Road*, by Archer Butler Hulbert, by EDWIN ERLE SPARKS (Review), 776.
- Bradford, governor of Plymouth, 265.
- Bradford, William, and Isaac Allerton, A Letter of, 1623* (Document), 294.
- Bradley, A. G., *The Fight with France for North America*, by VICTOR COFFIN (Review), 361.
- Brest, Blockade of, Dispatches and Letters relating to the, 1803-1805*, II., edited by John Leyland, by H. M. BOWMAN (Review), 588.
- Brette, M., 70-74, 667.
- Breysig, Kurt, *Kulturgeschichte der Neuzeit*, by CLIVE DAY (Review), 107.
- Brinkley, Captain F., *Japan: Its History, Arts, and Literature*, by WILLIAM ELLIOT GRIFFIS (Review), 154, 795; *China*, by WILLIAM ELLIOT GRIFFIS (Review), 795.
- Brissot, 469, 473, 483.
- Brofferio, Angelo, *I miei Tempi; Memorie*, by HARRY NELSON GAY (Review), 591.
- Brown, Charles Walter, *John Paul Jones of Naval Fame*, by E. F. (Review), 801.
- BROWN, ELMER ELLSWORTH, *Studies in the History of Educational Opinion from the Renaissance*, by S. S. Laurie (Review), 745.
- Brown, Marshall S., 425.
- Brown, P. Hume, *History of Scotland*, II., by GAILLARD THOMAS LAPSLEY (Review), 128.
- Brown, William Garrott, *Stephen Arnold Douglas*, by F. H. HOLLDER (Review), 390.
- BROWN, W. G., *Reconstruction and the Constitution, 1866-1876*, by John W. Burgess (Review), 150; *The Civil War and the Constitution, 1859-1865*, by John W. Burgess (Review), 368.
- Brunier, Ludwig, *Marie Antoinette*, by H. E. B. (Review), 802.
- Brunner, 613-618, 627, 629.
- Buchanan, James, 68.
- Budge, E. A. Wallis, *Egypt in the Neolithic and Archaic Periods*, I., by J. R. JEWETT (Review), 580.
- Büdingen, Max (deceased), 187.
- Bugbee, Lester G. (deceased), 187.
- Burch, Colonel Robert Sims, letter to, 91.
- Burgess, John W., *Reconstruction and the Constitution, 1866-1876*, by W. G. BROWN (Review), 150; *The Civil War and the Constitution, 1859-1865*, by W. G. BROWN (Review), 368.
- Burgundian landholding, 436-437.
- Burgundy, *Quomodo Primi Duces Capeti-ana Stirpis Burgundiae Res gesserint, 1032-1162*, by A. Kleinclausz, by GEORGE L. BURR (Review), 336.
- Burke, 684, 703, 705, 706.

- Burnet's History of My Own Time, A Supplement to*, edited by H. C. Foxcroft, by H. MORSE STEPHENS (Review), 167.
- Burr, George L., 421, 423.
- BURR, GEORGE LINCOLN, *Charles le Téméraire et la Ligue de Constance*, par E. Toutey (Review), 123; *L'Empire Carolingien: ses Origines et ses Transformations*, par Arthur Kleinclausz (Review), 336; *Quomodo Primi Duces Capetianæ Stirpis Burgundiæ Res gesserint, 1032-1162*, by A. Kleinclausz (Review), 336.
- BURRAGE, HENRY S., *Evolution of the Boundaries of New Brunswick*, by William F. Ganong (Review), 364.
- Buzot, 485, 486.
- C., A. L., *Terrors of the Law*, by Francis Watt (Review), 384; *The Roll-Call of Westminster Abbey*, by Mrs. A. Murray Smith (Review), 391; *A Maker of the New Orient*, by William Elliot Griffis (Review), 391; *The Genealogist*, XVIII. (Review), 582; *L'Impératrice Marie-Louise*, par Frédéric Masson (Review), 589.
- Cabinet Government, The Development of, in England*, by Mary Taylor Blauvelt, by T. F. MORAN (Review), 134.
- Calhoun, John C., 28, 38, 44.
- California, The Overland Stage to*, by Frank A. Root and William Elsey Connelley (Review), 177.
- Gallahan, Dr. J. M., paper by, 418.
- Calvin, Geneva before (1387-1536)*, by HERBERT DARLING FOSTER, 217.
- Cameron, Simon, 57, 63.
- Campbell, Colonel Arthur, 275, 281-282, 283, 289.
- Campbell, John, letter by, 497.
- Camus, 485.
- Canal Policy, *The National* (Paper), 418.
- Canning, George, 28, 29, 32, 33, 38, 39.
- Capasso, Bartolommeo, 291.
- Capitians, Les, 1180-1328*, par Molinier, by JAMES WESTFALL THOMPSON (Review), 742.
- Carolingian Empire, *L'Empire Carolingien*, par Arthur Kleinclausz, by GEORGE L. BURR (Review), 336.
- CARPENTER, A. H., *Habeas Corpus in the Colonies*, 18.
- Catholic Church, The Ancient*, by Robert Rainy, by JOHN WINTHROP PLATNER (Review), 103.
- Catterall, Ralph C. H., *The Second Bank of the United States*, by DAVIS R. DEWEY (Review), 787.
- CATTERALL, RALPH C. H., introduction to *Two Letters of Richard Cromwell, 1659* (Documents), 86.
- Central America and the American Foreign Policy (Paper), 418.
- Cerré, letter by, 498.
- Cesirre, letters by, 498, 500.
- Chalmers, George, 18, 20.
- CHAMBERLAIN, DANIEL HENRY, *Lee at Appomattox and Other Papers*, by Charles Francis Adams (Review), 144.
- Champlain, Samuel de*, by Henry Dwight Sedgwick, Jr., by JAMES BAIN (Review), 168.
- Charles II., 242-244.
- Charles le Téméraire et la Ligue de Constance*, par E. Toutey, by GEORGE L. BURR (Review), 123.
- Chase, Salmon P., 57-67.
- Cherokee Indians, 283, 287.
- Cheyne, T. K., and J. S. Black (editors), *Encyclopædia Biblica*, III., by C. H. T. (Review), 157.
- Cheyney, Edward P., 423, 424.
- CHEYNEY, EDWARD P., *Henry V., the Typical Mediæval Hero*, by Charles L. Kingsford (Review), 121.
- Chiala, Luigi, *Ancora un po' più di Luce sugli Eventi Politici e Militari dell' Anno 1866*, by HARRY NELSON GAY (Review), 370.
- China*, by Captain F. Brinkley, by WILLIAM ELLIOT GRIFFIS (Review), 795.
- CHRISTIE, FRANCIS A., *The English Church in the Sixteenth Century from the Accession of Henry VIII. to the Death of Mary*, by James Gairdner (Review), 348; *Manual of Universal Church History*, by John Alzog (Review), 797.
- Church History, Manual of Universal*, by John Alzog, by FRANCIS A. CHRISTIE (Review), 797.
- Cicé, Champion de, archbishop of Bordeaux, 474.
- Civil War and the Constitution, The, 1859-1865*, by John W. Burgess, by W. G. BROWN (Review), 368.

- Clarendon, constitutions of, 616, 632, 635.
- Clark, A. Howard, 423, 425.
- Clark, George Rogers, and the *Kaskaskia Campaign, 1777-1778* (Documents), 491.
- Clark, *History of the Expedition of Captains Lewis and*, edited by James K. Hosmer (Review), 588.
- Clarke, Frederick (translator), *Democracy and the Organisation of Political Parties*, by M. Ostrogorski, by A. L. LOWELL (Review), 519.
- Claypoole, James, 454.
- Clermont-Tonnerre, 477.
- Clewell, John Henry, *The History of Wachovia in North Carolina*, by JOHN SPENCER BASSETT (Review), 363.
- Clinton, George, governor of New York, 461.
- Clinton, George, *Public Papers of*, V., edited by Hugh Hastings (Review), 388.
- Cobb, Sanford H., *The Rise of Religious Liberty in America*, by WILLIS MASON WEST (Review), 350.
- Cochlæus, 206, 207.
- Cocke, William, 280.
- COFFIN, VICTOR, *The Fight with France for North America*, by A. G. Bradley (Review), 361; *The Loyalists in the American Revolution*, by Claude Halstead Van Tyne (Review), 776.
- Colby, Charles W., paper by, 416.
- COLBY, CHARLES W., *Queen Victoria*, by Sidney Lee (Review), 792.
- Colden, Cadwallader, *The History of the Five Indian Nations* (Review), 584.
- Colonial Government*, by Paul S. Reinsch (Review), 375.
- Colonial History, A Neglected Point of View in American (Paper), 413.
- Colonies, *Habeas Corpus in the*, by A. H. CARPENTER, 18.
- Colonies, *The Anglican Episcopate and the American*, by Arthur Lyon Cross, by WILLISTON WALKER (Review), 542.
- Colonization, *Essays in*, by Albert G. Keller (Review), 375.
- Colony, *The Plantation Type of*, by L. D. SCISCO, 260.
- Colquhoun, Archibald R., *The Mastery of the Pacific*, by H. MORSE STEPHENS (Review), 376.
- Columbus, *La Solution de Tous les Problèmes Relatifs à Christophe Colomb*, par Gonzalez de la Rosa, by EDWARD GAYLORD BOURNE (Review), 341.
- Columbus, *Toscanelli and*, by Henry Vignaud, by EDWARD GAYLORD BOURNE (Review), 341.
- Common law in the colonies, 19, 20.
- Communes, Italian (Paper), 416.
- Communes, Some French, in the Light of their Charters*, by EARLE WILBUR DOW, 641.
- Comynnes, *Mémoires de Philippe de*, I., par B. de Mandrot, by E. W. D. (Review), 167.
- Conant, Charles A., paper by, 417.
- Condorcet, 468, 469, 471.
- Confederation, 470; corporations under, 459-465.
- Congress and the spoils system, 59.
- Connecticut, early corporations, 450-452, 456, 460.
- Connecticut Men in the Revolution, 1775-1783, Rolls and Lists of*, edited by Albert C. Bates, by FRANK B. GAY (Review), 387.
- Connecticut, The History of Enfield*, by Francis Olcott Allen, by CHARLES M. ANDREWS (Review), 546.
- Connelley, William Elsey, and Frank A. Root, *The Overland Stage to California* (Review), 177.
- Constitution, ratification of the, corporations in the, 464.
- Constitution, Portions of Charles Pinckney's Plan for a*, 1787 (Document), 509.
- Constitution, A Fighting Frigate and Other Essays and Addresses*, by Henry Cabot Lodge, by FRANK MALOY ANDERSON (Review), 571.
- Constitutions of Iowa, History of the*, by Benjamin F. Shambaugh (Review), 390.
- COOLIDGE, ARCHIBALD CARY, *Russian Political Institutions*, by Maxime Kovalevsky (Review), 131; *A History of Russia from the Birth of Peter the Great to Nicholas II.*, by W. R. Morfill (Review), 131; *Die Ermordung Pauls und die Thronbesteigung Nikolaus I.*, von Theodor Schiemann (Review), 576; *La Hongrie Moderne de 1849 à 1901*, par A. de Bertha (Review), 578.
- Cooper, Dr. Samuel, letter to, 89.
- Cooper, Samuel, *Letters of*, to Thomas Pownall, 1769-1777 (Documents), 301.
- Cornelius, Professor Carl A. (deceased), 594.
- Corporations, American Business, before 1789*, by SIMEON E. BALDWIN, 449.

- Correspondence of the Comte de Moustier with the Comte de Montmorin, 1787-1789* (Documents), I., 709.
- Corsica, Mirabeau in, 675-681.
- Cottrell, Stephen, letter of, 78.
- Courts, Henry I.'s Writ regarding the Local*, by GEORGE BURTON ADAMS, 487.
- Coville, A., *Histoire de France depuis les Origines jusqu'à la Révolution*, IV., edited by Ernest Lavisse, by JAMES WESTFALL THOMPSON (Review), 119.
- Cowan, Samuel, *Mary Queen of Scots and Who Wrote the Casket Letters?*, by W. F. TILTON (Review), 126; *The Gowrie Conspiracy and its Official Narrative*, by OLIVER H. RICHARDSON (Review), 756.
- Creighton, Mandell, 213; *Historical Essays and Reviews*, by GEORGE M. WRONG (Review), 734.
- Crénière, 476.
- Crèvecoeur, M. de, 70-72.
- Cromwell, Richard, Two Letters of, 1659* (Documents), 86.
- Cromwell, Thomas, Life and Letters of*, by Roger Bigelow Merriman (Review), 383.
- Cromwell's Army*, by C. H. Firth, by G. J. (Review), 167.
- Cross, Arthur Lyon, *The Anglican Episcopate and the American Colonies*, by WILLISTON WALKER (Review), 542.
- CROSS, ARTHUR LYON, *The History of the Jesuits in England, 1580-1773*, by Ethelred L. Taunton (Review), 130; *The Merchant Adventurers of England*, by W. E. Lingelbach (Review), 531; *Ecclesiastical Records of the State of New York*, edited by Hugh Hastings (Review), 551.
- Crump, C. G., Arthur Hughes, and C. Johnson (editors), *Dialogus de Scaccario*, by Richard, Son of Nigel, by GEORGE B. ADAMS (Review), 524.
- Crusades, *Geschichte des ersten Kreuzzuges*, von Reinhold Röhrich, by DANA CARLETON MUNRO (Review), 163.
- Cunningham, I, 209.
- Currency of the Massachusetts Bay, Tracts Relating to the, 1682-1720*, by Andrew McFarland Davis (Review), 585.
- Currency Problems in the Orient (Paper), 417.
- Curry, Dr. J. L. M. (deceased), 594.
- Cyprus War, *Europäische Politik im cyprischen Krieg, 1570-1573*, I., von Paul Herre, by SIDNEY B. FAY (Review), 346.
- D., E. W., *The Trend of the Centuries: or the Historical Unfolding of the Divine Purpose*, by A. W. Archibald (Review), 157; *Weltgeschichte seit der Völkerwanderung*, I., II., von Theodor Lindner (Review), 161; *Sources de l'Histoire de France*, II., par M. Auguste Molinier (Review), 162; *Mémoires de Philippe de Commines*, par B. de Mandrot (Review), 167; *Medieval Europe from 395 to 1270*, by Charles Bémont and Gabriel Monod (Review), 581.
- D., J. H., *Town Life in Ancient Italy*, by Ludwig Friedländer, translated by William E. Waters (Review), 159.
- Dahn, Felix, *Die Könige der Germanen* (Review), 799.
- Dale, governor of Virginia, 265, 268.
- Dale, Lucy, *The Principles of English Constitutional History*, by GEORGE ELIOTT HOWARD (Review), 737.
- Dana, Charles A., 66.
- Dana, Richard Henry, 53, 59.
- d'Ancona, Alessandro, *Ricordi ed Affetti*, by HARRY NELSON GAY (Review), 591.
- d'Aubigné, 207.
- Davenant, 246.
- Davis, Andrew McFarland, *Tracts relating to the Currency of the Massachusetts Bay, 1682-1720* (Review), 585.
- DAY, CLIVE, *Kulturgeschichte der Neuzeit*, von Kurt Breysig (Review), 107.
- Deberre, L'Abbé Émile, *La Vie Littéraire à Dijon au XVIII^e Siècle*, by B. P. B. (Review), 385.
- Declaration of Independence, The Antecedents of the (Paper), 413.
- de Graaf, Johannes, 690-696, 700, 704.
- Delaware, early corporations in, 459.
- Delaware, Lord, 260.
- Delisle, Léopold, 2, 5, 15.
- Démeunier, 467, 469, 472, 476, 484.
- Democracy and the Organization of Political Parties*, by M. Ostrogorski, translated by Frederick Clarke, by A. L. LOWELL (Review), 519.
- Dennis, A. L. P., 422.
- DENNIS, ALFRED L. P., *The Eastern Question*, by Stephen Pierce Hayden Duggan (Review), 387.

- Dependencies, The Administration of*, by ALPHENS H. SNOW, by PAUL S. REIMSCH (Review), 553.
- Deutschland und die Grosse Politik anno 1901*, von Theodor Schiemann, by FOULTNEY BIGELOW (Review), 184.
- DEWEY, DAVIS R., *The Second Bank of the United States*, by Ralph C. H. Catterall (Review), 787.
- Dialogus de Scaccario*, by Richard, Son of Nigel, edited by Arthur Hughes, C. G. Crump, and C. Johnson, by GEORGE B. ADAMS (Review), 524.
- Dijon, *La Vie Littéraire à Dijon au XVIII^e Siècle*, par L'Abbé Émile Deberre, by B. P. B. (Review), 385.
- Discoveries of the Norsemen in America, The*, by Joseph Fischer, by E. L. STEVENSON (Review), 739.
- Documents relatifs aux Rapports du Clergé avec la Royauté*, edited by Leon Mention, by JAMES WESTFALL THOMPSON (Review), 800.
- DODGE, THEODORE AYRAULT, *A History of the Peninsular War, I.*, by Charles Oman (Review), 569; *Les Guerres d'Espagne sous Napoléon*, par E. Guillon (Review), 569.
- Donzelli, Dr. Giuseppe, Baron of Digliola, 290-293.
- Douglas, Stephen Arnold, by William Garrett Brown, by F. H. HODDER (Review), 390.
- Dow, Earle W., paper by, 416; 425.
- DOW, EARLE WILBUR, *Some French Communes, in the Light of their Charters*, 641.
- DU BOIS, W. E. BURGHARDT, *A History of Slavery in Virginia*, by James Curtis Ballagh (Review), 356.
- Duggan, Stephen Pierce Hayden, *The Eastern Question*, by ALFRED L. P. DENNIS (Review), 387.
- Dümmler, Ernest (deceased), 393.
- Duniway, C. A., paper by, 414.
- Dunning, William A., 422, 423, 424.
- Dupont, 477.
- Duquesnoy, Adrien, *The Authorship of the Journal d'*, by FRED M. FLING, 70.
- Dutch in Africa, 242; at St. Eustatius, 683-708.
- DUTCHER, GEORGE M., *Mallet du Pan and the French Revolution*, by Bernard Mallet (Review), 562.
- Earle, Reverend John (deceased), 594.
- Eastern Question, a Study in Diplomacy, The*, by Stephen Pierce Hayden Duggan, by ALFRED L. P. DENNIS (Review), 387.
- East India Company, 242, 245, 246.
- Ecclesiastical Records of the State of New York*, edited by Hugh Hastings, by ARTHUR LYON CROSS (Review), 551.
- Economic Interpretation of History, The*, by Edwin R. A. Seligman, by C. W. ALVORD (Review), 517.
- Economics and Social Progress (Paper), 412.
- Educational Opinion, Studies in the History of, from the Renaissance*, by S. S. Laurie, by ELMER ELLSWORTH BROWN (Review), 745.
- Edward Plantagenet (Edward I.)*, by Edward Jenks, by GEORGE ELLIOTT HOWARD (Review), 117.
- Edwards, H. Sutherland, *Sir William White, G.C.B., K.C.M.G.*, by J. B. A. (Review), 180; (translator), *The Diamond Necklace*, by FRANTZ FUNCK-BRENTANO, by CHARLES D. HAZEN (Review), 137.
- Eggleston, Edward (deceased), 186.
- Egypt in the Neolithic and Archaic Periods, I.*, by E. A. Wallis Budge, by J. R. JEWETT (Review), 580.
- Einstein, Lewis, *The Italian Renaissance in England, Studies*, by SAMUEL B. HARDING (Review), 124.
- Éléments d'une Psychologie Politique du Peuple Américain*, par Émile Boutmy, by A. L. LOWELL (Review), 152.
- Ellicott, John M., *The Life of John Ancrum Winslow, Rear Admiral United States Navy*, by GEORGE E. BELKNAP (Review), 147.
- Elliot, Gilbert, 659-662.
- Elliot, Hugh, 659-661.
- Emerson, Edwin, Jr., *A History of the Nineteenth Century, Year by Year*, by C. H. L. (Review), 586.
- Encyclopedia Biblica, III.*, edited by T. K. Cheyne and J. S. Black, by C. H. T. (Review), 157.
- Ender, 214.
- Enfield, Connecticut, The History of*, by Francis Olcott Allen, by CHARLES M. ANDREWS (Review), 546.
- England and the Suez Canal (Paper), 419.

- England, The Enemies of*, by George Peel (Review), 744.
- England, The Italian Renaissance in, Studies*, by Lewis Einstein, by SAMUEL B. HARDING (Review), 124.
- England, The Merchant Adventurers of*, by W. E. Lingelbach, by ARTHUR LYON CROSS (Review), 531.
- England, the Royal African Company of, The Constitution and Finance of, from its Foundation till 1720*, by W. R. SCOTT, 241.
- English at St. Eustatius, 684-701.
- English Church, The, in the Sixteenth Century from the Accession of Henry VIII. to the Death of Mary*, by James Gairdner, by FRANCIS A. CHRISTIE (Review), 348.
- English Constitutional History, The Principles of*, by Lucy Dale, by GEORGE ELLIOTT HOWARD (Review), 737.
- English Crown, The Financial Relations of the Knights Templars to the*, by ELEANOR FERRIS, 1.
- English Government, The Theory and Practice of the*, by Thomas Francis Moran, by J. A. F. (Review), 808.
- English History, Middle Ages, Companion to*, edited by Francis Pierrepoint Barnard, by B. T. (Review), 380.
- English Policy toward America in 1790-1791*, II. (Documents), 78.
- Episcopate, The Anglican, and the American Colonies*, by Arthur Lyon Cross, by WILLISTON WALKER (Review), 542.
- Essays and Addresses, A Fighting Frigate and Other*, by Henry Cabot Lodge, by FRANK MALOY ANDERSON (Review), 571.
- Essays, Historical and Literary*, by John Fiske, by KENDRIC CHARLES BABCOCK (Review), 514.
- Essentials in Ancient History*, by Arthur Mayer Wolfson, by A. C. TILTON (Review), 736.
- Eugene III., pope, 621.
- Europäische Politik im cyprischen Krieg, 1570-1573*, I., von Paul Herre, by SIDNEY B. FAY (Review), 346.
- Europe, Medieval, from 395 to 1270*, by Charles Bémont and Gabriel Monod, by E. W. D. (Review), 581.
- European diplomacy, *Ancora un po più di Luce sugli Eventi Politici e Militari dell'Anno 1866*, per Luigi Chiala, by HARRY NELSON GAY (Review), 370.
- European History, Recent, 1789-1900*, by George Emory Fellows, by CARL BECKER (Review), 801.
- Exchequer, English, 2-17.
- F., E., *John Paul Jones of Naval Fame*, by CHARLES WALTER BROWN (Review), 801.
- F., J. A., *The American Federal State*, by ROSCOE LEWIS ASHLEY (Review), 183; *The Theory and Practice of the English Government*, by THOMAS FRANCIS MORAN (Review), 808.
- Fairley, William (editor), *History of the Roman People*, by CHARLES SEIGNOBOS (Review), 378.
- Falkiner, C. Litton, *Studies in Irish History and Biography* (Review), 385.
- Farel, 223-234.
- Farmer, Silas (deceased), 594.
- Farrand, Max, 424.
- FARRAND, MAX, *The Teaching of History and Civics in the Elementary and the Secondary School*, by Henry E. Bourne (Review), 516.
- Fawcett, Mrs. Millicent G., *The Life of the Right Hon. Sir William Molesworth, Bart* (Review), 176.
- FAY, SIDNEY B., *Europäische Politik im cyprischen Krieg*, I., von Paul Herre (Review), 346.
- Federal Convention of 1787, Letters from the (Paper), 413; corporations in the, 464; *Portions of Charles Pinckney's Plan for a Constitution, 1787* (Document), 509.
- Fellows, George Emory, *Recent European History, 1789-1900*, by CARL BECKER (Review), 801.
- FELLOWS, GEORGE EMORY, *The Government of Maine*, by William MacDonald (Review), 592.
- FERRIS, ELEANOR, *The Financial Relations of the Knights Templars to the English Crown*, 1.
- Ficker, Julius (deceased), 393.
- Ficklen, John R., 424.
- Filangieri, *Il Generale Carlo Filangieri, Principe di Satriano e Duca di Taormina*, per Teresa Filangieri Fieschi Ravaschieri, by HARRY NELSON GAY (Review), 575.
- Finance, The Constitution and, of the*

- Funck-Brentano, Frantz, *The Diamond Necklace; La Mort de la Reine*, by CHARLES D. HAZEN (Review), 137.
- Fustel de Coulanges, 427-429, 434.
- G., H. N., *Il Generale Giuseppe Govone. Frammenti di Memorie*, by Ulberto Govone (Review), 177.
- Gairdner, James, *The English Church in the Sixteenth Century from the Accession of Henry VIII. to the Death of Mary*, by FRANCIS A. CHRISTIE (Review), 348.
- Gallatin, 40.
- Ganong, William F., *A Monograph on the Evolution of the Boundaries of the Province of New Brunswick*, by HENRY S. BURRAGE (Review), 364.
- Garrison, George P., 424.
- GAY, EDWIN F., *A History of Agriculture and Prices in England*, VII., by James E. Thorold Rogers (Review), 769.
- GAY, FRANK B., *Rolls and Lists of Connecticut Men in the Revolution, 1775-1783*, edited by Albert C. Bates (Review), 387.
- GAY, HARRY NELSON, *Scritti Editi ed Inediti di Goffredo Mameli* (Review), 175; *Ancora un po' più di Luce sugli Eventi Politici e Militari dell' Anno 1866*, per Luigi Chiala (Review), 370; *Il Generale Carlo Filangieri, Principe di Satriano e Duca di Taormina*, per Teresa Filangieri Fieschi Ravaschieri (Review), 575; *La Principessa Belgiojoso, i suoi Amici e Nemici—il suo Tempo*, per Raffaello Barbiera (Review), 590; *I miei Tempi; Memorie*, per Angelo Brofferio (Review), 591; *Ricordi ed Affetti*, per Alessandro d'Ancona (Review), 591; *The International Congress of Historical Sciences* (Communication), 809.
- Genealogist, The*, XVIII., by A. L. C. (Review), 582.
- Geneva before Calvin (1387-1536)*, by HERBERT DARLING FOSTER, 217.
- Geoffrey, Plantagenet, 617-631, 635-639.
- Georgia, 469, 483.
- Georgia and State Rights*, by Ulrich Bonnell Phillips, by JAMES A. WOODBURN (Review), 785.
- Georgia Company, 463.
- Germain, Lord George, 698-699, 701, 705.
- Germanen, Die Könige der*, von Felix Dahn (Review), 799.
- Germans, primitive, landholding among the, 430-433.
- Germany, *Das Deutsche Einigungswerk im Lichte des Americanischen*, von Albert von Ruville, by T. C. S. (Review), 179.
- Germany, A Short History of*, by Ernest F. Henderson, by FERDINAND SCHWILL (Review), 110.
- Gerry, Elbridge T., 423.
- Giry, 641.
- Glanvill, 490, 616, 634, 635.
- Glover, Terrot Reaveley, *Life and Letters in the Fourth Century*, by JOHN WINTHROP PLATNER (Review), 105.
- Gordy, J. P., *Political History of the United States*, II., by ANSON D. MORSE (Review), 367.
- Gouverneur, Samuel L., letter to, 49.
- Govone, Giuseppe, Il Generale, Frammenti di Memorie*, per Ulberto Govone, by H. N. G. (Review), 177.
- Govone, Ulberto, *Il Generale Giuseppe Govone. Frammenti di Memorie*, by H. N. G. (Review), 177.
- Gowrie Conspiracy and its Official Narrative, The*, by Samuel Cowan, by OLIVER H. RICHARDSON (Review), 756.
- Gowrie Mystery, James the Sixth and the*, by Andrew Lang, by OLIVER H. RICHARDSON (Review), 536.
- Graham, Alexander, *Roman Africa*, by FRANCIS W. KELSEY (Review), 159.
- Granrud, John E., *Roman Constitutional History, 753-44 B. C.*, by H. A. SILL (Review), 158.
- Greece, 39, 40.
- Greece, The Oldest Civilisation of*, by H. R. Hall, by B. PERRIN (Review), 331.
- Greek Church, Student's History of the*, by A. H. Hore, by J. W. P. (Review), 797.
- Greeley, Horace, 60.
- Green, J. R., 426.
- Grenville, W. W., letter to, 78.
- Griffin, A. P. C., 424.
- Griffis, William Elliot, *A Maker of the New Orient*, by A. L. C. (Review), 391.
- GRIFFIS, WILLIAM ELLIOT, *Japan: Its History, Arts, and Literature*, by Captain F. Brinkley (Review), 154, 795; *China*, by Captain F. Brinkley (Review), 795.

- Gross, Charles, 424.
 GROSS, CHARLES, *London before the Conquest*, by W. R. Lethaby (Review), 800.
 Grundy, G. B., *The Great Persian War and its Preliminaries*, by H. A. SILL (Review), 98.
 Guerchy, Sieur de, 241.
 Guilhaumez, P., *Essai sur l'Origine de la Noblesse en France au Moyen Âge*, by J. M. VINCENT (Review), 165.
 Guillon, E., *Les Guerres d'Espagne sous Napoléon*, by THEODORE AYRAULT DODGE (Review), 569.
 Guiraud, Jean, *L'Église et les Origines de la Renaissance* (Review), 166.
 Guise, Duc de, 290-293.
 H., F. H., *The Territorial Growth of the United States*, by William A. Mowry (Review), 561.
 Habeas Corpus Act of 1679, 19, 20, 26.
Habeas Corpus in the Colonies, by A. H. CARPENTER, 18.
 Haim, 293.
 Hakluyt, 241.
 Hall, H. R., *The Oldest Civilization of Greece*, by B. PERIN (Review), 331.
 Hamilton, Alexander, 465.
 Hamilton, Stanislaus Murray (editor), *The Writings of James Monroe*, VI., by J. FRANKLIN JAMESON (Review), 781.
 Hanna, Charles A., *The Scotch-Irish, or the Scot in North Britain, North Ireland, and North America*, by SAMUEL MACAULEY JACKSON (Review), 136.
 Hannibal, *Annibal dans les Alpes*, par Paul Azan, by G. W. B. (Review), 379.
 HARDING, SAMUEL B., *The Italian Renaissance in England*, *Studies*, by Lewis Einstein (Review), 124.
 Harris, Cicero W., *The Sectional Struggle*, by T. C. SMITH (Review), 141.
 Harrison, Provost Charles C., address by, 412, 417; Harrison, governor of Virginia, 461, 462.
 Hart, Albert Bushnell, 421, 424.
 Harvard College, 452.
 Hasak, 211.
 Haskins, Charles H., 423, 424, 425.
 HASKINS, CHARLES H., *Ancient History to the Death of Charlemagne*, by Willis Mason West (Review), 523; *The Early Norman Jury*, 613.
 Hassall, Arthur, *The French People*, by F. M. WARREN (Review), 113; (editor), *Historical Introductions to the Rolls Series*, by William Stubbs, by GEORGE B. ADAMS (Review), 527.
 Hastings, Hugh (editor), *Public Papers of George Clinton*, V. (Review), 388; *Ecclesiastical Records of the State of New York*, by ARTHUR LYON CROSS (Review), 551.
 Hay-Pauncefote Treaty, The Neutralization Features of the (Paper), 418.
 HAZEN, CHARLES DOWNER, *The Diamond Necklace*, by Frantz Funck-Brentano (Review), 137; *La Mort de la Reine*, par Frantz Funck-Brentano (Review), 137.
 Hefele, 213.
 Hellenic period, *Geschichte des hellenistischen Zeitalters*, von Julius Kaerst, by B. PERIN (Review), 100.
 Hemstreet, Charles, *When Old New York was Young*, by EDMUND K. ALDEN (Review), 169.
 Henderson, Ernest F., *A Short History of Germany*, by FERDINAND SCHWILL (Review), 110.
 Henderson, J. B., Jr., 419.
 Henrico, 268.
 Henry, Patrick, 275, 283, 284; letter to, 491; letters by, 494, 495.
 Henry I., 617-624, 635, 638.
Henry I.'s Writ regarding the Local Courts, by GEORGE BURTON ADAMS, 487.
 Henry II., 613-626, 636.
Henry V., the Typical Medieval Hero, by Charles L. Kingsford, by E. P. CHEYNEY (Review), 121.
 Hergenröther, Cardinal, 213.
 Herre, Paul, *Europäische Politik im cyprischen Krieg, 1570-1573*, I., by SIDNEY B. FAY (Review), 346.
 Heyck, D. Eduard, *Florenz und die Mediceer*, by M. W. (Review), 165.
Highways, Historic of America, I., II., by Archer Butler Hulbert, by EDWIN ERLE SPARKS (Review), 539; III., IV. (Review), 771.
 Hildebrand, Professor, 428.
Historical Essays and Reviews, by Mandell Creighton, by GEORGE M. WRONG (Review), 734.
Historical Sources in Schools; Report to the New England History Teachers' Association (Review), 156.

- Historical Treatment, Subordination in (Paper), 411.
- History and Civics, The Teaching of, in the Elementary and the Secondary School*, by Henry E. Bourne, by MAX FARRAND (Review), 516.
- History, The Attractiveness of (Paper), 416.
- History, The Economic Interpretation of*, by Edwin R. A. Seligman, by C. W. ALVORD (Review), 517.
- Hoar, George F., 423.
- Hoare, H. W., *The Evolution of the English Bible*, by BYRON A. FINNEY (Review), 164.
- Hodder, F. H., 422.
- HODDER, F. H., *Stephen Arnold Douglas*, by William Garrott Brown (Review), 390; *A History of the United States*, by Charles Kendall Adams and William P. Trent (Review), 765.
- Hodgson, F. C., *The Early History of Venice*, by WILLIAM ROSCOE THAYER (Review), 109.
- Hore, A. H., *Student's History of the Greek Church*, by J. W. P. (Review), 797.
- Hosmer, James K., *The History of the Louisiana Purchase*, by DAVID Y. THOMAS (Review), 140; (editor), *History of the Expedition of Captains Lewis and Clark* (Review), 588.
- Houghton, 250.
- Houston, Reverend Samuel, 274-275.
- Howard, George E., 425.
- HOWARD, GEORGE ELLIOTT, *Edward Plantagenet (Edward I.), the English Justinian, or the Making of the Common Law*, by Edward Jenks (Review), 117; *The Principles of English Constitutional History*, by Lucy Dale (Review), 737; *The Young Pretender*, by Charles Sanford Terry (Review), 759.
- Howard, James Q., *History of the Louisiana Purchase*, by F. W. M. (Review), 587.
- Howe, William W., 424.
- Hudson's Bay Company, 451.
- Hughes, Arthur, C. G. Crump, and C. Johnson (editors), *Dialogus de Scaccario*, by Richard, Son of Nigel, by GEORGE B. ADAMS (Review), 524.
- Huisman, Michel, *La Belgique Commerciale sous l'Empereur Charles VI.: la Compagnie d'Ostende*, by H. MORSE STEPHENS (Review), 353.
- Hulbert, Archer Butler, *Historic Highways of America*, I., II., by EDWIN ERLE SPARKS (Review), 539; III., IV., 771.
- Hull, Charles H., 424.
- Humboldt, A Letter of (Paper), 418.
- Hume, 661.
- Hungary, *La Hongrie Moderne de 1849 à 1901*, par A. de Bertha, by ARCHIBALD CARY COOLIDGE (Review), 578.
- Hunt, Gaillard (editor), *The Writings of James Madison*, III., by J. FRANKLIN JAMESON (Review), 559.
- Hutten, Ulrich von, 210.
- Ihne, Wilhelm (deceased), 187.
- Île de Ré, 672-677.
- Iles, George, 424.
- Immigration of the Irish Quakers into Pennsylvania, 1682-1750, with their Early History in Ireland*, by Albert C. Myers, by ELIZABETH LLOYD (Review), 357.
- India, *A Short History of the British in*, by Arthur D. Innes, by H. M. S. (Review), 170.
- Indian Army, Stringer Lawrence, the Father of the*, by Colonel J. Biddulph, by H. M. S. (Review), 171.
- Indian Nations, The History of the Five*, by Cadwallader Colden (Review), 584.
- Indians, Paths of the Mound-Building Indians and the Great Game Animals*, by Archer Butler Hulbert, by EDWIN ERLE SPARKS (Review), 539.
- Indian Thorougfhfares*, by Archer Butler Hulbert, by EDWIN ERLE SPARKS (Review), 539.
- Indiana, Party Politics in, during the Civil War (Paper), 417.
- Innes, Arthur D., *A Short History of the British in India*, by H. M. S. (Review), 170.
- Innes, J. H., *New Amsterdam and Its People*, by EDMUND K. ALDEN (Review), 585.
- Inquisition, *Beiträge zur Geschichte des spanischen Protestantismus und der Inquisition im sechzehnten Jahrhundert*, von Ernst Schäfer, by HENRY CHARLES LEA (Review), 529.
- Interest, 15, 16.
- Iowa, *History of the Constitutions of*, by Benjamin F. Shambaugh (Review), 390.
- Irish History and Biography, Studies in*, by C. Litton Falkiner (Review), 385.

- KNOWLTON, DANIEL CHAUNCEY, *An Unpublished Manuscript on the Rising of 1647-1648 in Naples*, 290.
- Kolde, 214.
- Köstlin, Julius (deceased), 187; 211, 214.
- Kovalevsky, Maxime, 428, 429, 431, 439, 443-448.
- Kovalevsky, Maxime, *Russian Political Institutions*, by ARCHIBALD CARY COOLIDGE (Review), 131; *Die ökonomische Entwicklung Europas*, II., by G. B. A. (Review), 381.
- Krusch, Bruno (editor), *Monumenta Germaniae Historica, Scriptorum Rerum Merovingicarum*, IV., by G. L. B. (Review), 379.
- Kulturgeschichte der Neuzeit*, von Kurt Breysig, by CLIVE DAY (Review), 107.
- L., C. H., *A History of the Nineteenth Century, Year by Year*, by Edwin Emerson, Jr. (Review), 586.
- LaFayette, 470-473, 475, 480.
- LaFayette, *A Letter of Marquis de, 1781* (Document), 89; *A Letter from De Vergennes to, 1780* (Document), 506.
- Lake, Katherine, *Memorials of William Charles Lake, Dean of Durham, 1869-1894*, by C. L. W. (Review), 178.
- Lake, William Charles, *Dean of Durham, 1869-1894, Memorials of*, by Katherine Lake, by C. L. W. (Review), 178.
- Lally-Tollendal, 477-479, 484, 486.
- Lameth, 477.
- Lanciani, R., *Storia degli Scavi di Roma e Notizie intorno le Collezioni Romane di Antichità*, by S. B. P. (Review), 522.
- Land, *The Origin of Property in*, by GAILLARD THOMAS LAPSLEY, 426.
- Lane, William C., 424.
- Lang, Andrew, *James the Sixth and the Gowrie Mystery*, by OLIVER H. RICHARDSON (Review), 536; *A History of Scotland from the Roman Occupation*, II., by GAILLARD THOMAS LAPSLEY (Review), 752.
- Laonjuinais, 484.
- Laon, 649, 650.
- LAPSLEY, GAILLARD THOMAS, *History of Scotland*, II., by P. Hume Brown (Review), 128; *The Origin of Property in Land*, 426; *Politics and Religion*, by William Law Mathieson (Review), 750; *Scottish History and Life*, by James Paton (Review), 750; *A History of Scotland from the Roman Occupation*, II., by Andrew Lang (Review), 752.
- Larned, J. N. (editor), *The Literature of American History* (Review), 171.
- Latané, John H., paper by, 418, 422.
- Laughton, John Knox (editor), *The Naval Miscellany*, by J. FRANKLIN JAMESON (Review), 532.
- Laurens, Henry, 696.
- Laurie, S. S., *Studies in the History of Educational Opinion from the Renaissance*, by ELMER ELLSWORTH BROWN, (Review), 745.
- Laut, A. C., *The Story of the Trapper*, by EDWIN ERLE SPARKS (Review), 806.
- Lavisse, Ernest (editor), *Histoire de France depuis les Origines jusqu'à la Révolution*, IV., par A. Coville, by JAMES WESTFALL THOMPSON (Review), 119; IV., Pt. II., by FRED MORROW FLING, (Review), 747.
- Law, Anglo-Saxon, Tribal Custom in*, by Frederick Seeböhm, by N. NEILSON (Review), 333.
- Lawrence Stringer, the Father of the Indian Army*, by Colonel J. Biddulph, by H. M. S. (Review), 171.
- Lea, Henry C., 216, 410, 422, 423.
- LEA, HENRY CHARLES, *Beiträge zur Geschichte des spanischen Protestantismus und der Inquisition im sechzehnten Jahrhundert*, von Ernst Schäfer (Review), 529.
- Lecky, W. E. H., 21.
- Lee at Appomattox and Other Papers*, by Charles Francis Adams, by D. H. CHAMBERLAIN (Review), 144.
- Lee, Sidney, *Queen Victoria*, by CHARLES W. COLBY (Review), 792.
- Lefèvre-Pontalis, M. G. A. (deceased), 813.
- Lethaby, W. R., *London before the Conquest*, by CHARLES GROSS (Review), 800.
- Lewis and Clark, Captains, History of the Expedition of*, edited by James K. Hosmer (Review), 588.
- Leyland, John (editor), *Dispatches and Letters relating to the Blockade of Brest, 1803-1805*, II., by H. M. BOWMAN (Review), 588.
- Liberta Religiosa*, La, I., per Avv. Francesco Ruffini, by A. C. MCG. (Review), 160.
- Liebermann, Dr., 487.

- Lieven, 'Letters of Dorothea, Princess Lieven, during her Residence in London, 1812-1834, translated and edited by Lionel G. Robinson, by E. D. ADAMS (Review), 573.
- Life and Letters in the Fourth Century*, by Terrot Reaveley Glover, by JOHN WINTHROP PLATNER (Review), 105.
- Lincoln and the Patronage*, by CARL R. FISH, 53.
- Lindner, Theodor, *Weltgeschichte seit der Völkerwanderung*, I., II., by E. W. D. (Review), 161.
- Lingelbach, W. E., *The Merchant Adventurers of England*, by ARTHUR LYON CROSS (Review), 531.
- Linn, William Alexander, *The Story of the Mormons* (Review), 373.
- Liston, Sir Robert, 661.
- Littleton, 627.
- Livingston, William, 465, 468, 471, 480.
- Livingston, William Farrand, *Israel Putnam: Pioneer, Ranger, and Major-General, 1718-1790*, by J. WILLIAM BLACK (Review), 174.
- LLOYD, ELIZABETH, *Immigration of the Irish Quakers into Pennsylvania, 1682-1750*, by Albert C. Myers (Review), 357; *Quaker Arrivals at Philadelphia, 1682-1750*, by Albert C. Myers (Review), 357.
- Locke, John, 267, 662.
- Lodge, Henry Cabot, *A Fighting Frigate and Other Essays and Addresses*, by FRANK MALOY ANDERSON (Review), 571.
- Logan, Mrs. John A. (editor), *Thirty Years in Washington, or Life and Scenes in our National Capital*, by CHARLES MOORE (Review), 179.
- Loménie, Charles de, 666, 669, 673.
- London before the Conquest*, by W. R. Lethaby, by CHARLES GROSS (Review), 800.
- London, 1812-1834, Letters of Dorothea, Princess Lieven, during her Residence in*, translated and edited by Lionel G. Robinson, by E. D. ADAMS (Review), 573.
- Louis XVIII. et les Cent-Jours à Gand*, by Albert Malet, by H. M. BOWMAN (Review), 804.
- Louisiana Purchase, The History of the*, by James K. Hosmer, by DAVID Y. THOMAS (Review), 140.
- Louisiana Purchase, History of the*, by James Q. Howard, by F. W. M. (Review), 587.
- LOWE, WALTER IRENAEUS, *The Growth and Decline of the French Monarchy*, by James Mackinnon (Review), 338.
- Lowell, A. Lawrence, 423.
- LOWELL, ABBOTT LAWRENCE, *Éléments d'une Psychologie Politique du Peuple Américain*, par Émile Boutmy (Review), 152; *Democracy and the Organization of Political Parties*, by M. Ostrogorski (Review), 519.
- Loyalists in the American Revolution, The*, by Claude Halstead Van Tyne, by VICTOR COFFIN (Review), 776.
- Luchaire, 641.
- Lucius II., pope, 620.
- Luther, 205-214.
- Lutheran Revolt, The Study of the*, by JAMES HARVEY ROBINSON, 205.
- Luzerne, La, bishop of Langres, 477.
- M., F. W., *History of the Louisiana Purchase*, by James Q. Howard (Review), 587.
- Maity, Abbé, 468.
- MacDonald, William, paper by, 413; 422, 424, 425.
- MacDonald, William, *The Government of Maine*, by GEORGE EMORY FELLOWS (Review), 592.
- MACDONALD, WILLIAM, *Daniel Webster*, by John Bach McMaster (Review), 782; *The Letters of Daniel Webster*, edited by C. H. Van Tyne (Review), 782.
- Mackinnon, James, *The Growth and Decline of the French Monarchy*, by WALTER IRENAEUS LOWE (Review), 338.
- Madison, James, 464, 479.
- Madison, James, The Writings of*, III., edited by Gaillard Hunt, by J. FRANKLIN JAMESON (Review), 559.
- Madox, 4.
- Mahan, Captain Alfred T., paper by, 411; 423.
- Maine, The Government of*, by William MacDonald, by GEORGE EMORY FELLOWS (Review), 592.
- Maitland, 428, 445.
- Malet, Albert, *Louis XVIII. et les Cent-Jours à Gand*, by H. M. BOWMAN (Review), 804.
- Mallet, Bernard, *Mallet du Pan and the French Revolution*, by GEORGE M.

- DUTCHER (Review), 562.
Mallet du Pan and the French Revolution, by Bernard Mallet, by GEORGE M. DUTCHER (Review), 562.
 Malouet, 474, 477, 481.
Mameli, Goffredo, Scritti Editi ed Inediti di, edited by Anton Giulio Barrili, by HARRY NELSON GAY (Review), 175.
 Mandrot, B. de, *Mémoires de Philippe de Comynnes*, by E. W. D. (Review), 167.
 Manhattan Island, 263, 264, 266, 267.
 Marie Antoinette, *La Mort de la Reine. (Les Suites de l'Affaire du Collier)*, par Frantz Funck-Brentano, by CHARLES D. HAZEN (Review), 137.
Marie Antoinette, von Ludwig Brunier, by H. E. B. (Review), 802.
Marquette, Father, by Reuben G. Thwaites, by JAMES BAIN (Review), 384.
Marie de Medicis, Queen of France, The Life of, by Julia Pardoe, by J. W. T. (Review), 583.
Marie-Louise, L'Impératrice, par Frédéric Masson, by A. L. C. (Review), 589.
Marine, The American Merchant, by Winthrop L. Marvin, by WILLIAM B. WEEDEN (Review), 541.
 MARSDEN, R. G., introduction to *A Letter of William Bradford and Isaac Allerton, 1623* (Document), 294; introduction to *A Letter from De Vergennes to La Fayette, 1780* (Document), 506.
 Martens, Wilhelm (deceased), 187.
 Martin, governor of North Carolina, letter by, 276; letter to, 277; 279, 283, 285.
 Martin, Colonel Joseph, 273, 275, 283, 288; letter by (Document), 276.
 Marvin, Winthrop L., *The American Merchant Marine*, by WILLIAM B. WEEDEN (Review), 541.
Mary Queen of Scots and Who Wrote the Casket Letters?, by Samuel Cowan, by W. F. TILTON (Review), 126.
 Maryland, early corporations in, 460-462.
 Mason, George, 464.
 Massachusetts, habeas corpus in, 20, 21, 22; Massachusetts, early corporations, 451, 452, 457, 459, 460; ratification of the Constitution, 464; 470.
 Massachusetts Bay Company, 268, 269.
Massachusetts Bay, the, Tracts relating to the Currency of, 1682-1720, by Andrew McFarland Davis (Review), 585.
Massachusetts Historical Society, Collections of the, Series 7, II. (Review), 173; *Proceedings of the* (Review), 182.
 Masson, Frédéric, *L'Impératrice Marie-Louise*, by A. L. C. (Review), 589.
 Mather, Cotton, 22.
 Mathews, Alfred, *Ohio and her Western Reserve*, by T. C. S. (Review), 585.
 Mathieson, William Law, *Politics and Religion*, by GAILLARD THOMAS LAPSLEY (Review), 750.
 Matilda, Empress, 631.
 Maulde, René de (deceased), 393.
 Maurenbrecher, Wilhelm, 207, 208, 213.
 Maurer, G. L. von, 426, 441, 444, 445.
 Maurer, Konrad (deceased), 393; 426.
 McCall, Samuel, *Daniel Webster*, by C. H. VAN TYNE (Review), 177.
 McCarthy, Dr. Charles, recipient of the Justin Winsor prize, 422.
 McCarthy, Justin, *The Reign of Queen Anne* (Review), 757.
 McCrady, Edward, 23, 422, 423.
 McCrady, Edward, *The History of South Carolina in the Revolution, 1780-1783*, by HERBERT L. OSGOOD (Review), 557.
 MCCURDY, J. F., *Die Religion Babylonien und Assyrien*, von Morris Jastrow, Jr. (Review), 580.
 MCG., A. C., *La Libertà Religiosa*, per Avv. Francesco Ruffini, by A. C. MCG. (Review), 160.
 McLaughlin, Andrew C., 424.
 McMaster, J. B., 410.
 McMaster, J. B. *Daniel Webster*, by WILLIAM MACDONALD (Review), 782.
Medieval and Modern History, I., by P. V. N. Myers, by A. B. WHITE (Review), 332.
Medieval Rome, from Hildebrand to Clement VIII., 1073-1600, by William Miller, by A. B. WHITE (Review), 116.
Medici, The, and the Italian Renaissance, by Oliphant Smeaton, by M. W. (Review), 165.
Medieval Europe from 395 to 1270, by Charles Bémont and Gabriel Monod, translated by Mary Sloan, edited by George Burton Adams, by E. W. D. (Review), 581.
Meeting of the American Historical Association at Philadelphia, The, 409.
 Meitzen, 428, 432.

- Mention, Leon (editor), *Documents relatifs aux Rapports du Clergé avec la Royauté*, by JAMES WESTFALL THOMPSON (Review), 800.
- Merchant Adventurers of England, The*, by W. E. Lingelbach, by ARTHUR LYON CROSS (Review), 531.
- Merriam, Charles Edward, *A History of American Political Theories*, by W. W. WILLOUGHBY (Review), 767.
- Merriman, Roger Bigelow, *Life and Letters of Thomas Cromwell* (Review), 383.
- Mexico, Reasons for the Withdrawal of the French from (Paper), 414.
- Middle Ages, *Essai sur l'Origine de la Noblesse en France au Moyen Âge*, par P. Guilhaumes, by J. M. VINCENT (Review), 165.
- Middle Ages, A History of the*, by Dana Carleton Munro, by B. T. (Review), 798.
- Mielle, J. B., 291.
- Miller, William, *Medieval Rome, from Hildebrand to Clement VIII., 1073-1600*, by A. B. WHITE (Review), 116.
- Mirabeau, 475, 484.
- Mirabeau, The Youth of*, by FRED MORROW FLING, 657.
- Modène, 293.
- Modern History, Medieval and*, I., by P. V. N. Myers, by A. B. WHITE (Review), 332.
- Mohawk Valley, The*, by W. Max Reid, by C. H. RAMMELKAMP (Review), 805.
- Molesworth, the Right Hon. Sir William, Bart, The Life of*, by Mrs. Fawcett (Review), 176.
- Molinier, M. Auguste, *Les Sources de l'Histoire de France*, II., by E. W. D. (Review), 162; III., by JAMES WESTFALL THOMPSON (Review), 742.
- Monod, Gabriel, and Charles Bémont, *Medieval Europe from 395 to 1270*, by E. W. D. (Review), 581.
- Monroe, James, letter by (Document), 45; letters by, 49; letter by (Document), 50.
- Monroe, James, The Writings of*, VI., edited by Stanislaus Murray Hamilton, by J. FRANKLIN JAMESON (Review), 781.
- Monroe Doctrine, John Quincy Adams and the*, II., by WORTHINGTON C. FORD, 28.
- Monson, The Naval Tracts of Sir William*, I., II., edited by M. Oppenheim (Review), 534.
- Montesquieu, 426.
- Montigny, 663, 669, 677, 680.
- Montmorency, Count Mathieu de, 475.
- Montmorin Comte de, Correspondence of the Comte de Moustier with the*, 1787-1789 (Documents), I., 709.
- Monumenta Germaniae Historica, Scriptorum Rerum Merovingicarum*, IV., edited by Bruno Krusch, by G. L. B. (Review), 379.
- MOORE, CHARLES, *Thirty Years in Washington, or Life and Scenes in our National Capital*, edited by Mrs. John A. Logan (Review), 179.
- Moore, Frederick W., 419, 424.
- MOORE, FREDERICK W., *Daniel Boone*, by Remben Gold Thwaites (Review), 779.
- Moran, Thomas Francis, *The Theory and Practice of the English Government*, by J. A. F. (Review), 808.
- MORAN, THOMAS FRANCIS, *The Development of Cabinet Government in England*, by Mary Taylor Blauvelt (Review), 134.
- Moravian, *The History of Wachovia in North Carolina*, by John Henry Clewell, by JOHN SPENCER BASSETT (Review), 363.
- More, Dr. Nicholas, 453-455.
- Morfill, W. R., *A History of Russia from the Birth of Peter the Great to Nicholas II.*, by ARCHIBALD CARY COOLIDGE (Review), 131.
- Mormonism, The Founder of*, by I. Woodbridge Riley, by WILLIAM F. SLOCUM (Review), 592.
- Mormons, The Story of the*, by William Alexander Linn (Review), 373.
- Morris, Robert, 458-459.
- Morse, Anson D., 425.
- MORSE, ANSON D., *Political History of the United States*, II., by J. P. Gordy (Review), 367.
- Morton, Governor Oliver P., 64.
- Motte, M. A. (deceased), 188.
- Mound Builders and Later Indians, The, Archaeological History of Ohio*, by Gerard Fowke, by T. C. S. (Review), 184.
- Mounier, 474-482, 485.
- Moustier, Marquis de, 470, 472.
- Moustier, Comte de, Correspondence of the, with the Comte de Montmorin, 1787-1789* (Documents), I., 709.

- Mowry, William A., *The Territorial Growth of the United States*, by F. H. H. (Review), 561.
- Municipal Problems in Medieval Switzerland (Paper), 416.
- Munro, Dana Carleton, *A History of the Middle Ages*, by B. T. (Review), 798.
- MUNRO, DANA CARLETON, *Geschichte des ersten Kreuzzuges*, von Reinhold Röhricht (Review), 163.
- Müntz, Eugène (deceased), 393.
- Myconius, 207.
- Myers, Albert C., *Immigration of the Irish Quakers into Pennsylvania, 1682-1750; Quaker Arrivals at Philadelphia, 1682-1750*, by ELIZABETH LLOYD (Review), 357.
- Myers, P. V. N., *Medieval and Modern History*, I., by A. B. WHITE (Review), 332.
- Nalbandian, Wahan, *Leopold von Rankes Bildungsjahre und Geschichtsauffassung*, by E. G. B. (Review), 182.
- Naples, the Rising of 1647-1648 in, An Unpublished Manuscript on*, by DANIEL CHAUNCEY KNOWLTON, 290.
- Napoleon, *Les Guerres d'Espagne sous Napoléon*, par E. Guillon, by THEODORE AYRAULT DODGE (Review), 569.
- Napoleon Bonaparte and the Siege of Toulon*, by Charles James Fox, by H. M. BOWMAN (Review), 389.
- Napoleon I., The Life of*, by John Holland Rose (Review), 565.
- Nathan Hale*, by William Ordway Partidge, by VICTOR HUGO PALTSITS (Review), 175.
- National Assembly, American Constitutional Precedents in the French*, by HENRY E. BOURNE, 466.
- Naval Miscellany, The*, edited by John Knox Laughton, by J. FRANKLIN JAMESON (Review), 532.
- Naval Tracts of Sir William Monson, The*, I., II., edited by M. Oppenheim (Review), 534.
- Necker, 474, 476.
- NEILSON, N., *Tribal Custom in Anglo-Saxon Law*, by Frederick Seebohm (Review), 333.
- Nemours, Dupont de, 468, 485.
- Nesselrode, Count, letter of (Document), 30.
- Netherlands, *Geschiedenis van het Nederlandsche Volk*, V., by P. J. Blok (Review), 169.
- Nevada, admission of, 66.
- New Amsterdam and Its People*, by J. H. Innes, by EDMUND K. ALDEN (Review), 585.
- New Brunswick, Evolution of the Boundaries of the Province of*, by William F. Ganong, by HENRY S. BURRAGE (Review), 364.
- New England Council, 263, 269.
- New France and New England*, by John Fiske, by R. G. THWAITES (Review), 359.
- New Hampshire, habeas corpus in, 22; ratification of the Constitution, 464; 470.
- New Haven, 450, 456.
- New Jersey, habeas corpus in, 22, 23; early corporations in, 462.
- New London, 450, 456.
- New Netherland, 263-269.
- New York, Charter of Liberties, 21; habeas corpus in, 22; early corporations, 450, 452, 457, 459, 460, 462, 465; 470; ratification of the Constitution, 464.
- New York, Ecclesiastical Records of the State of*, edited by Hugh Hastings, by ARTHUR LYON CROSS (Review), 551.
- New York, Social, Under the Georges, 1714-1776*, by Esther Singleton, by RUTH PUTNAM (Review), 550.
- New York, *When Old N. Y. was Young*, by Charles Hemstreet, by EDMUND K. ALDEN (Review), 169.
- Nicholas I., *Die Ermordung Pauls und die Thronbesteigung Nikolaus I.*, von Theodor Schiemann, by ARCHIBALD CARY COOLIDGE (Review), 576.
- Nicholson, James, A Letter of, 1803* (Document), 511.
- Nineteenth Century, A History of the Year by Year*, by Edwin Emerson, Jr., by C. H. L. (Review), 586.
- Norman Jury, The Early*, by CHARLES H. HASKINS, 613.
- Norsemen in America, The Discoveries of the*, by Joseph Fischer, by E. L. STEVENSON (Review), 739.
- North Carolina, 271-289; early corporations in, 462, 465; ratification of the Constitution, 464.
- North Carolina, The History of Wachovia in*, by John Henry Clewell, by JOHN SPENCER BASSETT (Review), 363.

- Notre-Dame de Sainte-Foy*, I., par H. A. Scott, by JAMES BAIN (Review), 584.
 Noyon, 652, 653.
 Oslo, Bishop, 619.
Oekonomische Entwicklung Europas, Die, II., von Maxime Kovalevsky, by G. B. A. (Review), 381.
Ohio and her Western Reserve, by Alfred Mathews, by T. C. S. (Review), 585.
Ohio, Archeological History of, by Gerard Fowke, by T. C. S. (Review), 184.
 Ohio Company, 451.
 Oman, Charles, *A History of the Peninsular War*, I., by THEODORE AYRAULT DODGE (Review), 569.
 Oppenheim, M. (editor), *The Naval Tracts of Sir William Monson*, I., II. (Review), 534.
Orient, A Maker of the New, by William Elliot Griffin, by A. L. C. (Review), 391.
 Osgood, Herbert L., 414, 424.
 OSOOD, HERBERT L., *Rhode Island, its Making and its Meaning*, by Irving Berdine Richman (Review), 545; *The History of South Carolina in the Revolution, 1780-1783*, by Edward McCrady (Review), 557.
 Ostend Company, *La Belgique Commerciale sous l'Empereur Charles VI: la Compagnie d'Ostende*, par Michel Huisman, by H. MORSE STEPHENS (Review), 353.
 Ostrogorski, M., *Democracy and the Organization of Political Parties*, by A. L. LOWELL (Review), 519.
 Otto, French chargé d'affaires, 470, 472.
Otto II. und Otto III., Jahrbücher des deutschen Reiches unter, von Karl Uhlirz, by J. M. VINCENT (Review), 799.
 P., J. W., *Actus Beati Francisci et Sociorum Ejus*, edited by Paul Sabatier (Review), 382; *Student's History of the Greek Church*, by A. H. Hore (Review), 797.
 P., S. B., *Storia degli Scavi di Roma e Notizie intorno le Collezioni Romane di Antichità*, per R. Lanciani (Review), 522.
Pacific, The Mastery of the, by Archibald R. Colquhoun, by H. MORSE STEPHENS (Review), 376.
 PALTSITS, VICTOR HUGO, *Nathan Hale*, by William Ordway Partridge (Review), 175.
 Pardo, Julia, *The Court and Reign of Francis the First; The Life of Marie de Medicis, Queen of France*, by J. W. T. (Review), 583.
 Paris, Gaston (deceased), 595.
 Paris, Matthew, 15.
 Partenope, 290-293.
 Partridge, William Ordway, *Nathan Hale*, by VICTOR HUGO PALTSITS (Review), 175.
 Party Politics in Indiana during the Civil War (Paper), 417.
 Paton, James, *Scottish History and Life*, by GAILLARD THOMAS LAFLEY (Review), 750.
Pauls, Die Ermordung, und die Thronbesteigung Nikolaus I., von Theodor Schiemann, by ARCHIBALD CARY COOLIDGE (Review), 576.
 Pavonia, 266, 269.
 Peel, George, *The Enemies of England* (Review), 744.
Peninsular War, A History of the, I., by Charles Oman, by THEODORE AYRAULT DODGE (Review), 569.
 Pennsylvania, habeas corpus in, 23; early corporations, 450, 451, 453-460, 462; 469, 483.
Pennsylvania, 1682-1750, Immigration of the Irish Quakers into, by Albert C. Myers, by ELIZABETH LLOYD (Review), 357.
 Perkins, James Breck, paper by, 415.
 PERKINS, JAMES BRECK, *Madame de Pompadour*, by H. Noel Williams (Review), 760.
 Perrault, H., letter by, 502.
 PERRIN, BERNADOTTE, *Geschichte des hellenistischen Zeitalters*, von Julius Kaerst (Review), 100; *The Oldest Civilization of Greece*, by H. R. Hall (Review), 331.
Persian War, The Great, and its Preliminaries, by G. B. Grundy, by H. A. SILL (Review), 98.
 Pétion, 486.
 Philadelphia, 450, 454-460.
Philadelphia, 1682-1750, Quaker Arrivals at, by Albert C. Myers, by ELIZABETH LLOYD (Review), 357.
 Philip Augustus, 646-649, 655.
Philippe de Commines, Mémoires de, par B. de Mandrot, by E. W. D. (Review), 167.
 Philippe d'Harcourt, 620-630, 635-637.

- Phillips, Ulrich Bonnell, *Georgia and State Rights*, by JAMES A. WOODBURN (Review), 785.
- Pinckney, 464.
- Pickney's, Charles, *Plan for a Constitution, 1787, Portions of* (Document), 509.
- Pirenne, Henri, *Geschichte Belgiens*, II., übersetzt von Fritz Arnheim, by RUTH PUTNAM (Review), 340.
- Piscataqua, 269.
- Plantation Type of Colony, *The*, by L. D. SCISCO, 260.
- PLATNER, JOHN WINTHROP, *The Ancient Catholic Church*, by Robert Rainy (Review), 103; *Life and Letters in the Fourth Century*, by Terrot Reaveley Glover (Review), 105.
- Plumer, 51.
- Plummer, Charles, *The Life and Times of Alfred the Great*, by O. H. RICHARDSON (Review), 380.
- Plymouth, 262-269.
- Political History of the United States*, II., by J. P. Gordy, by ANSON D. MORSE (Review), 367.
- Political Parties, Democracy and the Organization of*, by M. Ostrogorski, by A. L. LOWELL (Review), 519.
- Political Theories, A History of American*, by Charles Edward Merriam, by W. W. WILLOUGHBY (Review), 767.
- Politics and Religion*, by William Law Mathieson, by GAILLARD THOMAS LAPSLEY (Review), 750.
- Pompadour, Madame de*, by H. Noel Williams, by JAMES BRECK PERKINS (Review), 760.
- Porée, le Chanoine, *Histoire de l'Abbaye du Bec*, I., by G. B. A. (Review), 581.
- Porral, 226.
- Potomac Company, 460-462.
- Pownall, Thomas, *Letters of Samuel Cooper to, 1769-1777* (Documents), 301.
- Price, Dr., 468.
- Property, The Origin of, in Land*, by GAILLARD THOMAS LAPSLEY, 426.
- Putnam, Herbert, 423.
- Putnam, Israel, *Pioneer, Ranger, and Major-General, 1718-1790*, by William Farrand Livingston, by J. WILLIAM BLACK (Review), 174.
- PUTNAM, RUTH, *Geschichte Belgiens*, von Henri Pirenne (Review), 340; *Social New York under the Georges, 1714-1776*, by Esther Singleton (Review), 550.
- Quaker Arrivals at Philadelphia, 1682-1750*, by Albert C. Myers, by ELIZABETH LLOYD (Review), 357.
- Quakers, Immigration of the Irish, into Pennsylvania, 1682-1750*, by Albert C. Myers, by ELIZABETH LLOYD (Review), 357.
- Raine, Canon, 444.
- Rainy, Robert, *The Ancient Catholic Church*, by JOHN WINTHROP PLATNER (Review), 103.
- RAMMELKAMP, C. H., *The Mohawk Valley*, by W. Max Reid (Review), 805.
- Ranke, 207.
- Ranke, Leopold von, *Bildungsjahre und Geschichtsauffassung*, von Wahan Nalbandian, by E. G. B. (Review), 182.
- Ravaschieri, Teresa Filangieri Fieschi, *Il Generale Carlo Filangieri, Principe di Satriano e Duca di Taormina*, by HARRY NELSON GAY (Review), 575.
- Rawlinson, Canon George (deceased), 392.
- Reconstruction and the Constitution, 1866-1876*, by John W. Burgess, by W. G. BROWN (Review), 150.
- Reddaway, 51.
- Reformation, *The Study of the Lutheran Revolt*, by JAMES HARVEY ROBINSON, 205.
- Reid, W. Max, *The Mohawk Valley*, by C. H. RAMMELKAMP (Review), 805.
- Reinsch, Paul S., *Colonial Government* (Review), 375.
- REINSCH, PAUL S., *The Administration of Dependencies*, by Alpheus H. Snow, (Review), 553.
- Religion Babyloniens und Assyriens*, Die, von Morris Jastrow, Jr., by J. F. McCURDY (Review), 580.
- Religious liberty, *La Liberta Religiosa*, I., per Avv. Francesco Ruffini, by A. C. MCG. (Review), 160.
- Religious Liberty in America, The Rise of*, by Sanford H. Cobb, by WILLIS MASON WEST (Review), 350.
- Renaissance, L'Eglise et les Origines de la*, par Jean Guiraud (Review), 166.
- Renaissance, The Italian, in England, Studies*, by Lewis Einstein, by SAMUEL B. HARDING (Review), 124.

- Renaissance, The Medici and the Italian*, by Oliphant Smenton, by M. W. (Review), 165.
- Rensselaerwyck, 269.
- Reumont, 293.
- Revolution, The American of 1775 (Paper), 412.
- Revolution, 1775-1783, Rolls and Lists of Connecticut Men in the*, edited by Albert C. Bates, by FRANK B. GAY (Review), 387.
- Revolution, St. Eustatius in the American*, by J. FRANKLIN JAMESON, 683.
- Revolution, The History of South Carolina in the, 1780-1783*, by Edward McCrady, by HERBERT L. OSGOOD (Review), 557.
- Revolution, The Loyalists in the American*, by Claude Halstead Van Tyne, by VICTOR COFFIN (Review), 776.
- Revolution, The True History of the American*, by Sydney George Fisher, by C. H. VAN TYNE (Review), 773.
- Rhode Island, ratification of the Constitution, 464.
- Rhode Island, its Making and its Meaning*, by Irving Berdine Richman, by HERBERT L. OSGOOD (Review), 545.
- Rhodes, James Ford, 423.
- Richard of Kent, 620.
- Richard, Son of Nigel, *Dialogus de Scaccario*, edited by Arthur Hughes, C. G. Crump, and C. Johnson, by GEORGE B. ADAMS (Review), 524.
- Richardson, Dr. E. C., 422, 424.
- Richardson, Major John, *War of 1812, Operations of the Right Division of the Canadian Army* (Review), 176.
- RICHARDSON, O. H., *The Life and Times of Alfred the Great*, by Charles Plummer (Review), 380; *James the Sixth and the Gowrie Mystery*, by Andrew Lang (Review), 536; *The Gowrie Conspiracy and its Official Narrative*, by Samuel Cowan (Review), 756.
- Richman, Irving Berdine, *Rhode Island, its Making and its Meaning*, by HERBERT L. OSGOOD (Review), 545.
- Riley, I. Woodbridge, *The Founder of Mormonism*, by WILLIAM F. SLOCUM (Review), 592.
- Robert, earl of Gloucester, 619, 620.
- Robertson, 207.
- Robinson, Charles, *The First State Governor of Kansas, The Life of*, by Frank W. Blackmar, by LEVERETT W. SPRING (Review), 142.
- Robinson, Mrs. George O., 424.
- ROBINSON, JAMES HARVEY, *The Study of the Lutheran Revolt*, 205.
- Robinson, Lionel G. (translator and editor), *Letters of Dorothea, Princess Lieven*, by E. D. ADAMS (Review), 573.
- Robinson, Martha Reid, 91.
- Rochefoucauld, Duc de la, 467, 482, 483.
- Rodney, Sir George, 695-708.
- Rogers, Arthur G. L. (editor), *A History of Agriculture and Prices in England*, VII., by James E. Thorold Rogers, by EDWIN F. GAY (Review), 769.
- Rogers, James E. Thorold, *A History of Agriculture and Prices in England*, VII., by EDWIN F. GAY (Review), 769.
- Röhricht, Reinhold, *Geschichte des ersten Kreuzzuges*, by DANA CARLETON MUNRO (Review), 163.
- Rolls Series, Historical Introductions to the*, by William Stubbs, edited by Arthur Hassall, by GEORGE B. ADAMS (Review), 527.
- Roman Africa*, by Alexander Graham, by FRANCIS W. KELSEY (Review), 159.
- Roman Constitutional History, 753-44 B. C.*, by John E. Granrud, by H. A. SILL (Review), 158.
- Roman People, History of the*, by Charles Seignobos (Review), 378.
- Rome, Medieval, from Hildebrand to Clement VIII., 1073-1600*, by William Miller, by A. B. WHITE, (Review), 116.
- Rome, Storia degli Scavi di Roma e Notizie intorno le Collezioni Romane di Antichità*, per R. Lanciani, by S. B. P. (Review), 522.
- Rome, *The International Congress of Historical Sciences*, by HARRY NELSON GAY (Communication), 809.
- Root, Frank A., and William Elsey Connelley, *The Overland Stage to California* (Review), 177.
- Rosa, Gonzalez de la, *La Solution de Tous les Problèmes Relatifs à Christophe Colomb*, by EDWARD GAYLORD BOURNE (Review), 341.
- Rose, John Holland, *The Life of Napoleon I.* (Review), 565.
- Rosengarten, J. G., 719.
- Roset, Michel, 218.
- Ross, Denman, 427.

- Round, 445.
- Royal African Company of England, The Constitution and Finance of the, from its Foundation till 1720*, by W. R. SCOTT, 241.
- Ruffini, Avv. Francesco, *La Liberta Religiosa*, I., by A. C. MCG. (Review), 160.
- Rumsey, James, 461.
- Rush, Richard, 32; letter by, 49; letters to (Documents), 33, 46.
- Russell, General, 288.
- Russia's policy concerning South America, 29-32.
- Russia, A History of, from the Birth of Peter the Great to Nicholas II.*, by W. R. MORFILL, by ARCHIBALD CARY COOLIDGE (Review), 131.
- Russian Political Institutions*, by Maxime KOVALEVSKY, by ARCHIBALD CARY COOLIDGE (Review), 131.
- Ruville, Albert von, *Das Deutsche Einigungswerk im Lichte des Amerikanischen*, by T. C. S. (Review), 179.
- S., H. M., *A Short History of the British in India*, by Arthur D. INNES (Review), 170; *Stringer Lawrence, the Father of the Indian Army*, by Colonel J. Biddulph (Review), 171.
- S., T. C., *Das Deutsche Einigungswerk im Lichte des Amerikanischen*, von Albert von Ruville (Review), 179; *Archaeological History of Ohio*, by Gerard Fowke (Review), 184; *Ohio and her Western Reserve*, by Alfred Mathews (Review), 585.
- Sabatier, Paul (editor), *Actus Beati Francisci et Sociorum Ejus*, by J. W. P. (Review), 382.
- Sagadahoc, 260.
- Saint Etienne, Rabaut de, 475, 484.
- Saint Eustatius in the American Revolution*, by J. FRANKLIN JAMESON, 683.
- Saint Francis, *Actus Beati Francisci et Sociorum Ejus*, edited by Paul Sabatier, by J. W. P. (Review), 382.
- Sainte-Foy, Notre-Dame de*, I., par H. A. Scott, by JAMES BAIN (Review), 584.
- Saintes, 665-672.
- Salmon, Lucy M., 425.
- Savoy, Duke of, 220-222.
- Savoy, House of, 219, 221, 228.
- Schade, 210.
- Schäfer, Ernst, *Beiträge zur Geschichte des spanischen Protestantismus und der Inquisition im sechzehnten Jahrhundert*, by HENRY CHARLES LEA (Review), 529.
- Schiemann, Theodor, *Deutschland und die Grosse Politik anno 1901*, by POULTNEY BIGELOW (Review), 184; *Die Ermordung Pauls und die Thronbesteigung Nikolaus I.*, by ARCHIBALD CARY COOLIDGE (Review), 576.
- Schlosser, 207.
- Schouler, Dr. James, paper by, 412; 423.
- Schupfer, 443.
- SCHWILL, FERDINAND, *A Short History of Germany*, by Ernest F. Henderson (Review), 110.
- SCISCO, L. D., *The Plantation Type of Colony*, 260.
- Scotch-Irish, The, or the Scot in North Britain, North Ireland, and North America*, by Charles A. Hanna, by SAMUEL MACAULEY JACKSON (Review), 136.
- Scotland, History of*, II., by P. Hume Brown, by GAILLARD THOMAS LAPSLEY, (Review), 128.
- Scotland, A History of, from the Roman Occupation*, II., by Andrew Lang, by GAILLARD THOMAS LAPSLEY (Review), 752.
- Scots Darien Settlement (Paper), 417.
- Scott, H. A., *Notre-Dame de Sainte-Foy*, I., by JAMES BAIN (Review), 584.
- SCOTT, W. R., *The Constitution and Finance of the Royal African Company of England from its Foundation till 1720*, 241.
- Scottish History and Life*, by James Paton, by GAILLARD THOMAS LAPSLEY (Review), 750.
- Seckendorf, 207.
- Sectional Struggle, The*, by Cicero W. Harris, by T. C. SMITH (Review), 141.
- Sedgwick, Henry Dwight, Jr., *Samuel de Champlain*, by JAMES BAIN (Review), 168.
- Seeböhm, 427, 431, 432, 434, 435, 445, 446.
- Seeböhm, Frederick, *Tribal Custom in Anglo-Saxon Law*, by N. NEILSON (Review), 333.
- Seignobos, Charles, *History of the Roman People* (Review), 378.
- Seligman, E. R. A., paper by, 412.
- Seligman, Edwin R. A., *The Economic Interpretation of History*, by C. W. ALVORD (Review), 517.

- Sevier, John, letter to (Document), 276; 273-289.
- Seward, William H., 55, 57, 58, 60.
- Shambaugh, Benjamin F., *History of the Constitutions of Iowa* (Review), 390.
- Sicotière, M. de la, 70, 71.
- Sieyès, Abbé, 475, 482, 485.
- SILL, H. A., *The Great Persian War and its Preliminaries*, by G. B. Grundy (Review), 98; *Roman Constitutional History, 753-44 B.C.*, by John E. Granrud (Review), 158.
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- Sloane, William M., 424.
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- Smith, Goldwin, 422, 423.
- Smith, Captain John, 266.
- Smith, Theodore C., 424.
- SMITH, THEODORE CLARKE, *The Sectional Struggle*, by Cicero W. Harris (Review), 141.
- Smith, Major W. B., letter by, 495, 496.
- Smith, W. R., honorable mention for Justin Winsor prize, 422.
- Snow, Alpheus H., *The Administration of Dependencies*, by PAUL S. REINSCH (Review), 553.
- Social Progress, Economics and (Paper), 412.
- Soissons, 647, 648, 649.
- Soria, 291, 293.
- South, history in the (Report), 419.
- South Carolina, habeas corpus in, 23, 26.
- South Carolina as a Royal Province (honorable mention for Justin Winsor prize), 422.
- South Carolina, *The History of, in the Revolution, 1780-1783*, by Edward McCrady, by HERBERT L. OSGOOD (Review), 557.
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- Spanish aggressions, 287-288.
- Sparks, Edwin E., 424.
- SPARKS, EDWIN ERLE, *Historic Highways of America*, I., II., by Archer Butler Hulbert (Review), 539; III., IV., 771; *The Story of the Trapper*, by A. C. Laut (Review), 806; *The Wabash Trade Route in the Development of the Old Northwest*, by Elbert Jay Benton (Review), 807.
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- Spotswood, Alexander, governor of Virginia, 18; proclamation of, 24.
- SPRING, LEVERETT WILSON, *The Life of Charles Robinson, the First State Governor of Kansas*, by Frank W. Blackmar (Review), 142.
- Stanton, Edwin M., 63.
- State Rights, Georgia and*, by Ulrich Bonnell Phillips, by JAMES A. WOODBURN (Review), 785.
- Stephens, A Letter of Alexander H., 1854* (Document), 91.
- Stephens, H. Morse, 424.
- STEPHENS, H. MORSE, *A Supplement to Burnet's History of My Own Time*, edited by H. C. Foxcroft (Review), 167; *La Belgique Commerciale sous l'Empereur Charles VI: la Compagnie d'Ostende*, par Michel Huisman (Review), 353; *The Mastery of the Pacific*, by Archibald R. Colquhoun (Review), 376.
- Stephens, Reverend W. R. W. (deceased), 594.
- STEVENSON, E. L., *The Discoveries of the Norsemen in America*, by Joseph Fischer (Review), 739.
- Storm, Gustav, (deceased), 604.
- Stormont, Lord, 697, 698, 699.

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- Stubbs, William, 7, 426, 487.
- Stubbs, William, *Historical Introductions to the Rolls Series*, edited by Arthur Hassall, by GEORGE B. ADAMS (Review), 527.
- Suez Canal, England and the (Paper), 419.
- Suffolk, Lord, 686-689, 692.
- Sullivan, Dr. James, paper by, 413.
- Sumner, Charles, 59.
- Susquehanna Company, 451.
- Swanandael, 269.
- Switzerland, Municipal Problems in Medieval (Paper), 416.
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- Tarbell, Ida M., 424.
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- Taylor, Marvin M., 89, 302.
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- Thouret, 484.
- Three Years' War, The*, by Christiaan Rudolf de Wet, by JOHN BIGELOW, JR. (Review), 793.
- Thwaites, Reuben G., 424, 491.
- Thwaites, Reuben G., *Father Marquette*, by JAMES BAIN (Review), 384; *Daniel Boone*, by FREDERICK W. MOORE (Review), 779.
- THWAITES, R. G., *New France and New England*, by John Fiske (Review), 359.
- Tigerstedt, Karl (deceased), 188.
- TILTON, A. C., *Essentials in Ancient History*, by Arthur Mayer Wolfson (Review), 736.
- TILTON, W. F., *Mary Queen of Scots and Who Wrote the Casket Letters?*, by Samuel Cowan (Review), 126.
- Tipton, Colonel John, 279, 288.
- Tollin, Pastor (deceased), 187.
- Toscanelli and Columbus*, by Henry Vignaud, by EDWARD GAYLORD BOURNE (Review), 341.
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- Turgot, 467-469.
- Turner, Frederick J., 421, 423.
- TURNER, FREDERICK J. (editor), *George Rogers Clark and the Kaskaskia Campaign, 1777-1778* (Documents), 491.
- TURNER, FREDERICK J., *A History of the American People*, by Woodrow Wilson (Review), 762.
- Tuyll, Baron de, 29, 32; letter to (Document), 30.
- Uhlirz, Karl, *Jahrbücher des deutschen Reiches unter Otto II. und Otto III.*, by J. M. VINCENT (Review), 799.
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- Van Berckel, 689, 696, 701.
- Van Bibber, Abraham, 685, 690, 691, 692, 694.
- Van Bylandt, Rear-Admiral Count Frederik, 694, 700.
- Van Twiller, 266, 267.
- Van Tyne, Claude Halstead, *The Loyalists in the American Revolution*, by VICTOR COFFIN (Review), 776; (editor), *The Letters of Daniel Webster*, by WILLIAM MACDONALD (Review), 782.
- VAN TYNE, C. H., *Daniel Webster*, by Samuel McCall (Review), 177; *The True History of the American Revolution*, by Sydney George Fisher (Review), 773.
- Vaughan, Major-General, 698-700, 705, 707, 708.
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- Vergennes, 467.
- Vergennes, De, A Letter from, to La Fayette, 1780* (Document), 506.
- Vermont, 272.
- Victoria, Queen*, by Sidney Lee, by CHARLES W. COLBY (Review), 792.
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- Vincent, John M., paper by, 416; 424.
- VINCENT, J. M., *Essai sur l'Origine de la Noblesse en France au Moyen Âge*, par P. Guilhiermoz (Review), 165; *Jahrbücher des deutschen Reiches unter Otto II. und Otto III.*, von Karl Uhlirz (Review), 799.
- Vinogradoff, 443.
- Virginia, 18, 24, 26; settlement of, 260-269; 273, 281-283; early corporations in, 460-462.
- Virginia, A History of Slavery in*, by James Curtis Ballagh, by W. E. BURGHARDT DU BOIS (Review), 356.
- Virien, 477, 485.
- Visigoths, landholding among the, 437.
- Vuylsteke, Julius (deceased), 813.
- W., C. L., *Memorials of William Charles Lake, Dean of Durham, 1869-1894*, by Katherine Lake (Review), 178.
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- Waitz, 426.
- Walker, Williston, 424.
- WALKER, WILLISTON, *The Anglican Episcopate and the American Colonies*, by Arthur Lyon Cross (Review), 542.
- Walpole, Horace, 706.

- War of 1812, Operations of the Right Division of the Canadian Army*, by Major John Richardson (Review), 176.
- WARREN, F. M., *The French People*, by Arthur Hassall (Review), 113.
- Washington, George, 460-461, 470-472.
- Washington, The Private Soldier under*, by Charles K. Bolton (Review), 386.
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- Weaving, *The Art of (Paper)*, 415.
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- Webster, G. Bruce, paper by, 417.
- Weed, Thurlow, 60.
- Weeden, William B., paper by, 415.
- WEEDEN, WILLIAM B., *The American Merchant Marine*, by Winthrop L. Marvin (Review), 541.
- Welles, Gideon, 58, 60.
- Welling, Dr., 51.
- Wells, Charles L., 424.
- Wellington, Despatches of the Duke of, from 1799 to 1815*, edited by Walter Wood, by H. M. BOWMAN (Review), 803.
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- Wessagusset, 269.
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- White, Andrew D., 423, 424.
- White, Horace, paper by, 417.
- White, Peter, 423.
- White, Sir William, G.C.B., K.C.M.G.*, by H. Sutherland Edwards, by J. B. A. (Review), 180.
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- Wilson, George G., paper by, 418; 422; James, 463, 464.
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- Winston, Richard, letter by, 503.
- Wirt, 44, 45.
- Wolfson, Dr. Arthur M., paper by, 416.
- Wolfson, Arthur Mayer, *Essentials in Ancient History*, by A. C. TILTON (Review), 736.
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